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GOOGLE LLC**

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO**

ERIC FRASCO et al., individually and on behalf of
all others similarly situated,

Plaintiffs,

vs.

FLO HEALTH, INC., GOOGLE, LLC,
FACEBOOK, INC., APPSFLYER, INC., and
FLURRY, INC.,

Defendants.

Case No. 3:21-CV-00757-JD

**DEFENDANT GOOGLE LLC'S
ANSWER TO CONSOLIDATED
CLASS ACTION COMPLAINT**

JURY TRIAL DEMANDED

Judge: Hon. James Donato
Courtroom: 11 – 19th Floor

Action Filed: September 2, 2021
Trial Date: March 4, 2024

Defendant Google LLC (“Google”) hereby answers the Consolidated Class Action Complaint (“Complaint”) filed on September 2, 2021, by Plaintiffs Erica Frasco, Sarah Wellman, Justine Pietrzyk, Jennifer Chen, Tesha Gamino, Leah Ridgway, Autumn Meigs, and Madeline Kiss (“Plaintiffs”), according to its numbered paragraphs as follows below. Except as expressly admitted herein, Google denies all allegations in the Complaint. Any admission herein is limited to the express language of the response, and shall not be deemed an implied admission of additional facts.

SUMMARY OF ALLEGATIONS

1. Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 1 and on that basis denies them.

2. Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 2 and on that basis denies them.

3. Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 3, including footnote 2, and on that basis denies them.

4. Google states that Flo Health, Inc. (“Flo Health”)’s website speaks for itself, and therefore no response is required. To the extent a response is required, Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 4, including footnote 3, and on that basis denies them.

5. Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 5 and on that basis denies them.

6. Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 6 and on that basis denies them.

7. Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 7 and on that basis denies them.

8. Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 8 and on that basis denies them.

9. Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 9 and on that basis denies them.

1 10. Paragraph 10 contains legal conclusions, characterizations, or arguments, to which
2 no response is required. To the extent a response is required, Google lacks information sufficient
3 to admit or deny the non-argumentative allegations in Paragraph 10 and on that basis denies them.
4 Except as expressly admitted herein, Google denies the remaining allegations in Paragraph 10.

5 11. Google states that Flo Health’s “privacy policies,” “public assurances,” and
6 “website” speak for themselves, and therefore no response is required. To the extent a response is
7 required, Google lacks knowledge and information sufficient to form a belief as to the truth of the
8 allegations in Paragraph 11, including footnote 4, and on that basis denies them.

9 12. Google states that Flo Health’s “Privacy Policy” speaks for itself, and therefore no
10 response is required. To the extent a response is required, Google lacks knowledge and
11 information sufficient to form a belief as to the truth of the allegations in Paragraph 12, including
12 footnote 5, and on that basis denies them.

13 13. Google denies that Flo Health “collected, transmitted, and disclosed Plaintiffs’ and
14 Class members’ intimate health data to” Google. Google also denies the remaining allegations
15 contained in Paragraph 13 insofar as they pertain to Google. Google lacks knowledge and
16 information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 13
17 as they pertain to the other Defendants and on that basis denies them.

18 14. Google admits that developers like Flo Health that wish to use Google’s analytics
19 services may integrate Google’s SDKs into their apps, create their own “App Events” to measure
20 certain actions users take on their app, and use SDKs to subsequently transmit their developer-
21 created App Events to Google. Google admits that developers can create and send via SDKs pre-
22 defined and named “Standard App Events” that measure common actions (like an app’s launch),
23 and/or developer-defined and named “Custom App Events” that measure user-app interactions
24 unique to the app. Google admits that, based on the developer’s instructions, Google then may
25 process that data to provide reports and analytics to that developer. Except as expressly admitted
26 herein, Google otherwise denies the allegations contained in Paragraph 14 insofar as they pertain
27 to Google. Google lacks knowledge and information sufficient to form a belief as to the truth of
28

1 the remaining allegations in Paragraph 14 as they pertain to the other Defendants and on that basis
2 denies them.

3 15. Google lacks knowledge and information sufficient to form a belief as to the truth of
4 the allegations in Paragraph 15 and on that basis denies them.

5 16. Google admits that it provides analytics services, and that it provided analytics
6 services to Flo Health pursuant to the Terms of Service for Google Analytics for Firebase. Google
7 further admits that Flo Health utilized the Google Analytics for Firebase SDK in connection with
8 the Flo App. Google admits that it also provides advertising services. Except as expressly admitted
9 herein, Google otherwise denies the allegations in Paragraph 16 insofar as they pertain to Google.
10 Google lacks knowledge and information sufficient to form a belief as to the truth of the
11 remaining allegations in Paragraph 16 as they pertain to the other Defendants and on that basis
12 denies them.

13 17. Google denies the allegations in Paragraph 17 insofar as they pertain to Google.
14 Google lacks knowledge and information sufficient to form a belief as to the truth of the
15 remaining allegations in Paragraph 17 as they pertain to the other Defendants and on that basis
16 denies them.

17 18. Google denies the allegations in Paragraph 18 insofar as they pertain to Google.
18 Google lacks knowledge and information sufficient to form a belief as to the truth of the
19 remaining allegations in Paragraph 18 as they pertain to the other Defendants and on that basis
20 denies them.

21 19. Paragraph 19 contains legal conclusions, characterizations, or arguments, to which
22 no response is required. To the extent a response is required, Google denies the allegations in
23 Paragraph 19 insofar as they pertain to Google.

24 20. Google denies the allegations in Paragraph 20 insofar as they pertain to Google.
25 Google lacks knowledge and information sufficient to form a belief as to the truth of the
26 remaining allegations in Paragraph 20 as they pertain to other Defendants and on that basis denies
27 them.

1 21. Google states that the “report published by the Wall Street Journal in February
2 2019” speaks for itself. Google denies the allegations contained in Paragraph 21 insofar as they
3 pertain to Google. Google lacks knowledge and information sufficient to form a belief as to the
4 truth of the remaining allegations in Paragraph 21 as they pertain to the other Defendants and on
5 that basis denies them.

6 22. Google denies the allegations contained in Paragraph 22 insofar as they pertain to
7 Google. Google states that the FTC complaint referenced in Paragraph 22 speaks for itself. Google
8 lacks knowledge and information sufficient to form a belief as to the truth of the remaining
9 allegations in Paragraph 22 as they pertain to the other Defendants and on that basis denies them.

10 23. Google states that the “Report on Investigation of Facebook Inc. Data Privacy
11 Concerns” referenced in Paragraph 23 speaks for itself, and therefore no response is required. To
12 the extent a response is required, Google lacks knowledge and information sufficient to form a
13 belief as to the truth of the allegations in Paragraph 23, including footnote 6, and on that basis
14 denies them.

15 24. Google states that the article referenced in Paragraph 24 speaks for itself, and
16 therefore no response is required. To the extent a response is required, Google lacks knowledge
17 and information sufficient to form a belief as to the truth of the allegations in Paragraph 24,
18 including footnote 7, and on that basis denies them.

19 25. Google states that the FTC settlement referenced in Paragraph 25 speaks for itself,
20 and therefore no response is required. To the extent a response is required, Google lacks
21 knowledge and information sufficient to form a belief as to the truth of the remaining allegations
22 in Paragraph 25, including footnote 8, and on that basis denies them.

23 26. Google states that the report referenced in Paragraph 26 speaks for itself, and
24 therefore no response is required. To the extent a response is required, Google lacks knowledge
25 and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph
26 26 and on that basis denies them.

27 27. Google denies the allegations in Paragraph 27 insofar as they pertain to Google.
28 Google lacks knowledge and information sufficient to form a belief as to the truth of the

1 remaining allegations in Paragraph 27 insofar as they pertain to other Defendants, Plaintiffs,
2 and/or Class members, and on that basis denies them.

3 28. Paragraph 28 calls for a legal conclusion to which no response is required; to the
4 extent a response is required, Google denies the allegations.

5 **JURISDICTION AND VENUE**

6 29. Paragraph 29 calls for a legal conclusion to which no response is required; to the
7 extent a response is required, Google denies the allegations.

8 30. Paragraph 30 calls for a legal conclusion to which no response is required; to the
9 extent a response is required, Google admits this Court has jurisdiction over this action.

10 31. Paragraph 31 calls for a legal conclusion to which no response is required; to the
11 extent a response is required, Google states that Flo Health's Terms of Use speak for themselves.
12 Google lacks knowledge and information sufficient to form a belief as to the truth of the
13 remaining allegations in Paragraph 31, including footnote 9, and on that basis denies them.

14 32. Paragraph 32 calls for a legal conclusion to which no response is required; to the
15 extent a response is required, Google admits that it is a Delaware limited liability technology
16 company with its principal place of business in Mountain View, California. Google denies the
17 remaining allegations insofar as they pertain to Google. Google lacks knowledge and information
18 sufficient to form a belief as to the truth of the remaining allegations in Paragraph 32 and on that
19 basis denies them.

20 33. Paragraph 33 calls for a legal conclusion to which no response is required; to the
21 extent a response is required, Google denies the allegations.

22 34. Paragraph 34 calls for a legal conclusion to which no response is required; to the
23 extent a response is required, Google denies the allegations.

24 **PARTIES**

25 **A. Plaintiffs**

26 **a. Erica Frasco**

27 35. Google lacks knowledge and information sufficient to form a belief as to the truth of
28 the allegations in Paragraph 35 and on that basis denies them.

1 36. Google lacks knowledge and information sufficient to form a belief as to the truth of
2 the allegations in Paragraph 36 and on that basis denies them.

3 37. Google lacks knowledge and information sufficient to form a belief as to the truth of
4 the allegations in Paragraph 37 and on that basis denies them.

5 38. Whether Plaintiff Frasco consented or provided permission for Flo Health to share
6 or disclose her information is a legal conclusion to which no response is required. Google lacks
7 knowledge and information sufficient to form a belief as to the truth of the remaining allegations
8 in Paragraph 38 and on that basis denies them.

9 39. Google states that Flo Health's "Privacy Policy" and "public assurances" speak for
10 themselves. Whether Plaintiff Frasco had knowledge of or consented to Flo Health disclosing her
11 information is a legal conclusion to which no response is required. Google lacks knowledge and
12 information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 39
13 and on that basis denies them.

14 40. Whether Plaintiff Frasco was provided notice or consented to Flo Health disclosing
15 her information is a legal conclusion to which no response is required. Google lacks knowledge
16 and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph
17 40 and on that basis denies them.

18 41. Google lacks knowledge and information sufficient to form a belief as to the truth of
19 the remaining allegations in Paragraph 41 and on that basis denies them.

20 b. **Sarah Wellman**

21 42. Google lacks knowledge and information sufficient to form a belief as to the truth of
22 the allegations in Paragraph 42 and on that basis denies them.

23 43. Google lacks knowledge and information sufficient to form a belief as to the truth of
24 the allegations in Paragraph 43 and on that basis denies them.

25 44. Google lacks knowledge and information sufficient to form a belief as to the truth of
26 the allegations in Paragraph 44 and on that basis denies them.

27 45. Whether Plaintiff Wellman consented or provided permission for Flo Health to share
28 or disclose her information is a legal conclusion to which no response is required. Google lacks

1 knowledge and information sufficient to form a belief as to the truth of the remaining allegations
2 in Paragraph 45 and on that basis denies them.

3 46. Google states that Flo Health's "Privacy Policy" and "public assurances" speak for
4 themselves. Whether Plaintiff Wellman had knowledge of or consented to Flo Health disclosing
5 her information is a legal conclusion to which no response is required. Google lacks knowledge
6 and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph
7 46 and on that basis denies them.

8 47. Whether Plaintiff Wellman was provided notice or consented to Flo Health
9 disclosing her information is a legal conclusion to which no response is required. Google denies
10 the remaining allegations insofar as they pertain to Google. Google lacks knowledge and
11 information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 47
12 and on that basis denies them.

13 48. Google lacks knowledge and information sufficient to form a belief as to the truth of
14 the allegations in Paragraph 48 and on that basis denies them.

15 c. **Justine Pietrzyk**

16 49. Google lacks knowledge and information sufficient to form a belief as to the truth of
17 the allegations in Paragraph 49 and on that basis denies them.

18 50. Google lacks knowledge and information sufficient to form a belief as to the truth of
19 the allegations in Paragraph 50 and on that basis denies them.

20 51. Google lacks knowledge and information sufficient to form a belief as to the truth of
21 the allegations in Paragraph 51 and on that basis denies them.

22 52. Whether Plaintiff Pietrzyk consented or provided permission for Flo Health to share
23 or disclose her information is a legal conclusion to which no response is required. Google lacks
24 knowledge and information sufficient to form a belief as to the truth of the remaining allegations
25 in Paragraph 52 and on that basis denies them.

26 53. Google states that Flo Health's "privacy policy" and "public assurances" speak for
27 themselves. Whether Plaintiff Pietrzyk had knowledge of or consented to Flo Health disclosing
28 her information is a legal conclusion to which no response is required. Google lacks knowledge

1 and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph
2 53 and on that basis denies them.

3 54. Whether Plaintiff Pietryzk was provided notice or consented to Flo Health
4 disclosing her information is a legal conclusion to which no response is required. Google denies
5 the remaining allegations insofar as they pertain to Google. Google lacks knowledge and
6 information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 54
7 and on that basis denies them.

8 55. Google lacks knowledge and information sufficient to form a belief as to the truth of
9 the remaining allegations in Paragraph 55 and on that basis denies them.

10 d. **Jennifer Chen**

11 56. Google lacks knowledge and information sufficient to form a belief as to the truth of
12 the allegations in Paragraph 56 and on that basis denies them.

13 57. Google lacks knowledge and information sufficient to form a belief as to the truth of
14 the allegations in Paragraph 57 and on that basis denies them.

15 58. Google lacks knowledge and information sufficient to form a belief as to the truth of
16 the allegations in Paragraph 58 and on that basis denies them.

17 59. Whether Plaintiff Chen consented or provided permission for Flo Health to share or
18 disclose her information is a legal conclusion to which no response is required. Google lacks
19 knowledge and information sufficient to form a belief as to the truth of the remaining allegations
20 in Paragraph 59 and on that basis denies them.

21 60. Whether Plaintiff Chen had knowledge of or consented to Flo Health disclosing her
22 information is a legal conclusion to which no response is required. Google lacks knowledge and
23 information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 60
24 and on that basis denies them.

25 61. Whether Plaintiff Chen was provided notice or consented to Flo Health disclosing
26 her information is a legal conclusion to which no response is required. Google denies the
27 remaining allegations insofar as they pertain to Google. Google lacks knowledge and information
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1 sufficient to form a belief as to the truth of the remaining allegations in Paragraph 61 and on that
2 basis denies them.

3 62. Google lacks knowledge and information sufficient to form a belief as to the truth of
4 the allegations in Paragraph 62 and on that basis denies them.

5 e. **Tesha Gamino**

6 63. Google lacks knowledge and information sufficient to form a belief as to the truth of
7 the allegations in Paragraph 63 and on that basis denies them.

8 64. Google lacks knowledge and information sufficient to form a belief as to the truth of
9 the allegations in Paragraph 64 and on that basis denies them.

10 65. Google lacks knowledge and information sufficient to form a belief as to the truth of
11 the allegations in Paragraph 65 and on that basis denies them.

12 66. Whether Plaintiff Gamino consented or provided permission for Flo Health to share
13 or disclose her information is a legal conclusion to which no response is required. Google denies
14 the allegations in Paragraph 66 insofar as they pertain to Google. Google lacks knowledge and
15 information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 66
16 and on that basis denies them.

17 67. Google states that Flo Health's "Privacy Policy" and "public assurances" speak for
18 themselves. Whether Plaintiff Gamino had knowledge of or consented to Flo Health disclosing her
19 information is a legal conclusion to which no response is required. Google denies the allegations
20 in Paragraph 67 insofar as they pertain to Google. Google lacks knowledge and information
21 sufficient to form a belief as to the truth of the remaining allegations in Paragraph 67 and on that
22 basis denies them.

23 68. Whether Plaintiff Gamino was provided notice or consented to Flo Health disclosing
24 her information is a legal conclusion to which no response is required. Google denies the
25 allegations in Paragraph 68 insofar as they pertain to Google. Google lacks knowledge and
26 information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 68
27 and on that basis denies them.

69. Google lacks knowledge and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 69 and on that basis denies them.

f. **Leah C. Ridgway**

70. Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 70 and on that basis denies them.

71. Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 71 and on that basis denies them.

72. Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 72 and on that basis denies them.

73. Whether Plaintiff Ridgway consented or provided permission for Flo Health to share or disclose her information is a legal conclusion to which no response is required. Google lacks knowledge and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 73 and on that basis denies them.

74. Google states that Flo Health's "Privacy Policy" and "public assurances" speak for themselves. Whether Plaintiff Ridgway had knowledge of or consented to Flo Health disclosing her information is a legal conclusion to which no response is required. Google denies the allegations in Paragraph 74 insofar as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 74 and on that basis denies them.

75. Whether Plaintiff Ridgway was provided notice or consented to Flo Health disclosing her information is a legal conclusion to which no response is required. Google denies the allegations in Paragraph 75 insofar as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 75 and on that basis denies them.

76. Google lacks knowledge and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 76 and on that basis denies them.

1 g. **Autumn N. Meigs**

2 77. Google lacks knowledge and information sufficient to form a belief as to the truth of
3 the allegations in Paragraph 77 and on that basis denies them.

4 78. Google lacks knowledge and information sufficient to form a belief as to the truth of
5 the allegations in Paragraph 78 and on that basis denies them.

6 79. Google lacks knowledge and information sufficient to form a belief as to the truth of
7 the allegations in Paragraph 79 and on that basis denies them.

8 80. Whether Plaintiff Meigs consented or provided permission for Flo Health to share or
9 disclose her information is a legal conclusion to which no response is required. Google denies the
10 allegations in Paragraph 80 insofar as they pertain to Google. Google lacks knowledge and
11 information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 80
12 and on that basis denies them.

13 81. Google states that Flo Health's "Privacy Policy" and "public assurances" speak for
14 themselves. Whether Plaintiff Meigs had knowledge of or consented to Flo Health disclosing her
15 information is a legal conclusion to which no response is required. Google denies the allegations
16 in Paragraph 81 insofar as they pertain to Google. Google lacks knowledge and information
17 sufficient to form a belief as to the truth of the remaining allegations in Paragraph 81 and on that
18 basis denies them.

19 82. Whether Plaintiff Meigs was provided notice or consented to Flo Health disclosing
20 her information is a legal conclusion to which no response is required. Google denies the
21 allegations in Paragraph 82 insofar as they pertain to Google. Google lacks knowledge and
22 information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 82
23 and on that basis denies them.

24 83. Google lacks knowledge and information sufficient to form a belief as to the truth of
25 the remaining allegations in Paragraph 83 and on that basis denies them.

26 h. **Madeline Kiss**

27 84. Google lacks knowledge and information sufficient to form a belief as to the truth of
28 the allegations in Paragraph 84 and on that basis denies them.

85. Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 85 and on that basis denies them.

86. Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 86 and on that basis denies them.

87. Whether Plaintiff Kiss consented or provided permission for Flo Health to share or disclose her information is a legal conclusion to which no response is required. Google denies the allegations in Paragraph 87 insofar as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 87 and on that basis denies them.

88. Google states that Flo Health's "Privacy Policy" and "public assurances" speak for themselves. Whether Plaintiff Kiss had knowledge of or consented to Flo Health disclosing her information is a legal conclusion to which no response is required. Google denies the allegations in Paragraph 88 insofar as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 88 and on that basis denies them.

89. Whether Plaintiff Kiss was provided notice or consented to Flo Health disclosing her information is a legal conclusion to which no response is required. Google denies the allegations in Paragraph 89 insofar as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 89 and on that basis denies them.

90. Google lacks knowledge and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 90 and on that basis denies them.

B. Defendants

91. Google lacks knowledge and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 91 and on that basis denies them.

92. Google lacks knowledge and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 92 and on that basis denies them.

1 93. Google admits that it is a Delaware limited liability company with its principal place
2 of business in Mountain View, California. Google admits that it advertises Google products and
3 services to consumers. Google admits that its revenue for 2020 was approximately 182.5 billion
4 dollars and that its revenue from advertising accounted for approximately 146.9 billion dollars of
5 revenue. Google states that Alphabet, Inc.’s “SEC Form 10-K” speaks for itself. Google denies the
6 remaining allegations.

7 94. Google admits that it acquired Fabric, a mobile app developer platform that
8 provided SDKs to app developers, in 2017. Google states that the article cited in footnote 11
9 speaks for itself. Google admits that Fabric provided analytics services by providing SDKs to
10 developers that they could incorporate into their apps, through a service called “Answers.” Google
11 admits that the Flo App was a customer of Fabric Answers. Google lacks knowledge and
12 information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 94
13 and on that basis denies them.

14 95. Google states that the “Fabric Software and Services Agreement” speaks for itself.
15 Google admits that any developer who used the Fabric SDK would be subject to the Fabric
16 Software and Services Agreement. Google admits that the Flo App was a customer of Fabric
17 Answers. Google lacks knowledge and information sufficient to form a belief as to the truth of the
18 remaining allegations in Paragraph 95 and on that basis denies them.

19 96. Google admits that it offered an SDK through Google Analytics for Firebase and
20 that Flo Health utilized the Google Analytics for Firebase SDK in connection with the Flo App.
21 Google lacks knowledge and information sufficient to form a belief as to the truth of the
22 remaining allegations in Paragraph 96 and on that basis denies them.

23 97. Google states that the “Terms of Service of Google Analytics” speaks for itself.
24 Google admits that any developer who used the Google Analytics for Firebase SDK would be
25 subject to the Terms of Service of Google Analytics for Firebase or the Terms of Service for
26 Google Analytics. Google lacks knowledge and information sufficient to form a belief as to the
27 truth of the remaining allegations in Paragraph 97 and on that basis denies them.

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1 98. Google states that “Google Analytics’ Terms of Services” and “Privacy Policy,”
2 including as cited in footnote 12, speak for themselves. Google denies the remaining allegations.

3 99. Google admits that it provides advertising services. Google admits that it provides
4 data analytics services to websites and app developers. Google denies that it “knew that the data it
5 received from Flo Health through Fabric and Google Analytics contained intimate health data.”
6 Google admits that the Google Analytics Terms of Service prohibit app developers from sending
7 Google Analytics any data that contains personally identifiable information, and Google’s
8 personalized advertising policies prohibit personalized advertising based on sensitive information
9 or prohibited categories, including personal health conditions and related health information.
10 Google denies the remaining allegations.

11 100. Google states that Facebook, Inc.’s “SEC Form 10-K” cited in footnote 13 speaks
12 for itself. Google lacks knowledge and information sufficient to form a belief as to the truth of the
13 remaining allegations in Paragraph 100 and on that basis denies them.

14 101. Google lacks knowledge and information sufficient to form a belief as to the truth of
15 the allegations in Paragraph 101 and on that basis denies them.

16 102. Google states that the website cited in footnote 14 speaks for itself. Google lacks
17 knowledge and information sufficient to form a belief as to the truth of the remaining allegations
18 in Paragraph 102 and on that basis denies them.

19 103. Google lacks knowledge and information sufficient to form a belief as to the truth of
20 the allegations in Paragraph 103 and on that basis denies them.

21 104. Google lacks knowledge and information sufficient to form a belief as to the truth of
22 the allegations in Paragraph 104 and on that basis denies them.

23 105. Google lacks knowledge and information sufficient to form a belief as to the truth of
24 the allegations in Paragraph 105 and on that basis denies them.

25 106. Google states that the website cited in footnote 15 speaks for itself. Google lacks
26 knowledge and information sufficient to form a belief as to the truth of the remaining allegations
27 in Paragraph 106 and on that basis denies them.

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107. Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 107 and on that basis denies them.

108. Google states that AppsFlyer’s “Terms of Use” speaks for itself. Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 108 and on that basis denies them.

109. Google states that AppsFlyer’s “policy” speaks for itself. Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 109 and on that basis denies them.

110. Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 110 and on that basis denies them.

111. Google states that the website cited in footnote 16 speaks for itself. Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 111 and on that basis denies them.

112. Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 112 and on that basis denies them.

113. Google states that Flurry’s “Terms of Service” speaks for itself. Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 113 and on that basis denies them.

114. Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 114 and on that basis denies them.

FACTUAL BACKGROUND

A. Founding of Flo Health, Inc.¹

115. Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 115 and on that basis denies them.

¹ Google interprets any headings to provide a roadmap to the allegations and not as allegations themselves. Google therefore does not provide a specific response to the headings. To the extent a response is required, Google denies any allegations contained therein. The various headings and subheadings in the Complaint are reproduced herein solely for convenience.

1 116. Google lacks knowledge and information sufficient to form a belief as to the truth of
2 the allegations in Paragraph 116 and on that basis denies them.

3 117. Google lacks knowledge and information sufficient to form a belief as to the truth of
4 the allegations in Paragraph 117 and on that basis denies them.

5 118. Google lacks knowledge and information sufficient to form a belief as to the truth of
6 the allegations in Paragraph 118 and on that basis denies them.

7 119. Google lacks knowledge and information sufficient to form a belief as to the truth of
8 the allegations in Paragraph 119 and on that basis denies them.

9 120. Google states that the website cited in footnotes 17 and 3 speaks for itself. Google
10 lacks knowledge and information sufficient to form a belief as to the truth of the remaining
11 allegations in Paragraph 120 and on that basis denies them.

12 121. Google lacks knowledge and information sufficient to form a belief as to the truth of
13 the allegations in Paragraph 121 and on that basis denies them.

14 122. Google lacks knowledge and information sufficient to form a belief as to the truth of
15 the allegations in Paragraph 122 and on that basis denies them.

16 123. Google admits that Paragraph 123 purports to cite unidentified document(s). Google
17 lacks knowledge and information sufficient to form a belief as to the truth of the remaining
18 allegations in Paragraph 123 and on that basis denies them.

19 124. Google states that the website cited in Paragraph 124, footnote 18 speaks for itself.
20 Google lacks knowledge and information sufficient to form a belief as to the truth of the
21 remaining allegations in Paragraph 124 and on that basis denies them.

22 125. Google admits that it provided analytics services to Flo Health in connection with
23 the Flo App. Google lacks knowledge and information sufficient to form a belief as to the truth of
24 the remaining allegations and on that basis denies them.

25 126. Google admits that Paragraph 126 purports to cite unidentified document(s). Google
26 admits that it provides advertising services. Google lacks knowledge and information sufficient to
27 form a belief as to the truth of the remaining allegations in Paragraph 126 and on that basis denies
28 them.

127. Google admits that Paragraph 127 purports to cite unidentified document(s). Google admits that Flo's use of Google's analytics services was subject to the terms of service applicable to Google Analytics and/or Fabric, and that the terms of service speak for themselves. Indeed, the Google Analytics Terms of Service prohibit app developers from sending Google Analytics any data that contains personally identifiable information, and Google's personalized advertising policies prohibit personalized advertising based on sensitive information or prohibited categories, including personal health conditions and related health information. Google denies the remaining allegations.

128. Google states that the "terms of service" speak for themselves. Google admits that the Google Analytics Terms of Service prohibit app developers from sending Google Analytics any data that contains personally identifiable information, and Google's personalized advertising policies prohibit personalized advertising based on sensitive information or prohibited categories, including personal health conditions and related health information. Google admits that footnote 19 purports to cite to "the 2019 *Wall Street Journal* report," unidentified "FTC documents," "NYSDFS documents," and other unidentified document(s). Google states that the cited documents speak for themselves. Google denies the remaining allegations.

129. Google states that its terms of service speak for themselves. Google lacks knowledge and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 129 and on that basis denies them.

130. Google denies the allegations in Paragraph 130 insofar as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 130 and on that basis denies them.

B. Flo Health Designed Its App to Facilitate the Collection of User's Private Data

131. Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 131 and on that basis denies them.

132. Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 132 and on that basis denies them.

1 133. Google lacks knowledge and information sufficient to form a belief as to the truth of
2 the allegations in Paragraph 133 and on that basis denies them.

3 134. Google lacks knowledge and information sufficient to form a belief as to the truth of
4 the allegations in Paragraph 134 and on that basis denies them.

5 135. Google lacks knowledge and information sufficient to form a belief as to the truth of
6 the allegations in Paragraph 135 and on that basis denies them.

7 136. Google admits that it had a contractual relationship with Flo Health pursuant to the
8 terms of service for Google Analytics for Firebase and Fabric, which speak for themselves.
9 Google denies that it had “full access to any information obtained from Flo App users.” Google
10 denies the remaining allegations insofar as they pertain to Google. Google lacks knowledge and
11 information sufficient to form a belief as to the truth of the remaining allegations as they pertain to
12 the other Defendants and on that basis denies them.

13 137. Google admits that the Flo App transmitted “Standard App Events” and “Custom
14 App Events” to Google Analytics for Firebase. Google admits that “Standard App Events” are
15 automatically collected events that Google Analytics for Firebase collects by default and are
16 triggered by basic interactions with the app and/or website, when an app has set up the Google
17 Analytics for Firebase SDK in the app. Google admits that “Custom App Events” are events with
18 a name and set of parameters that the app defines so the app can collect information that is specific
19 to the app’s business. Google denies the remaining allegations insofar as they pertain to Google.
20 Google lacks knowledge and information sufficient to form a belief as to the truth of the
21 remaining allegations as they pertain to the other Defendants and on that basis denies them.

22 138. Google lacks knowledge and information sufficient to form a belief as to the truth of
23 the allegations in Paragraph 138 and on that basis denies them.

24 139. Google admits that it received Custom App Events from the Flo App. Google lacks
25 knowledge and information sufficient to form a belief as to the truth of the allegations in
26 Paragraph 139 and on that basis denies them.

27 140. Google admits that it provided analytics services to Flo Health in connection with
28 the Flo App. Google admits that it received Standard App Events and Custom App Events from

1 the Flo App through Google Analytics for Firebase. Google lacks knowledge and information
2 sufficient to form a belief as to the truth of the remaining allegations in Paragraph 140 and on that
3 basis denies them.

4 141. Google admits that it received Custom App Events from the Flo App. Google denies
5 the remaining allegations insofar as they pertain to Google. Google lacks knowledge and
6 information sufficient to form a belief as to the truth of the allegations pertaining to other
7 Defendants in Paragraph 141 and on that basis denies them.

8 142. Google states that Flo Health's "privacy policies" speak for themselves. Google
9 denies the remaining allegations insofar as they pertain to Google. Google lacks knowledge and
10 information sufficient to form a belief as to the truth of the allegations pertaining to other
11 Defendants in Paragraph 142 and on that basis denies them.

12 143. Google admits that it received Custom App Events from the Flo App. Google states
13 that the FTC Complaint referenced in footnote 20 speaks for itself. Google lacks knowledge and
14 information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 143
15 and on that basis denies them.

16 144. Google admits that it received Custom App Events from the Flo App. Google denies
17 the remaining allegations insofar as they pertain to Google. Google lacks knowledge and
18 information sufficient to form a belief as to the truth of the allegations pertaining to Plaintiffs'
19 "analy[sis]" and the other Defendants in Paragraph 144 and on that basis denies them.

20 145. Google admits that it provided analytics services to the Flo App. Google lacks
21 knowledge and information sufficient to form a belief as to the truth of the remaining allegations
22 in Paragraph 145 and on that basis denies them.

23 146. Google lacks knowledge and information sufficient to form a belief as to the truth of
24 the allegations in Paragraph 146 and on that basis denies them

25 147. Google admits that it received data from the Flo App through Google Analytics for
26 Firebase and/or Fabric Answers. Google lacks knowledge and information sufficient to form a
27 belief as to the truth of the remaining allegations pertaining to Plaintiffs' "analysis" and the other
28 Defendants in Paragraph 147 and on that basis denies them.

1 148. Google admits that it received data from the Flo App through Google Analytics for
2 Firebase and/or Fabric Answers. Google states that the FTC Complaint cited in footnote 21 speaks
3 for itself. Google lacks knowledge and information sufficient to form a belief as to the truth of the
4 remaining allegations in Paragraph 148 and on that basis denies them.

5 149. Google states that the FTC Complaint cited in footnotes 21 and 22 speaks for itself.
6 Google denies the remaining allegations contained in Paragraph 149 insofar as they pertain to
7 Google. Google lacks knowledge and information sufficient to form a belief as to the truth of the
8 remaining allegations pertaining to the other Defendants in Paragraph 149 and on that basis denies
9 them.

10 150. Google admits that it received data from the Flo App. Google admits that the Fabric
11 SDK was deprecated in 2020. Google lacks knowledge and information sufficient to form a belief
12 as to the truth of the remaining allegations in Paragraph 150 and on that basis denies them.

13 151. Google denies the allegations, assumptions, inferences, characterizations, and
14 conclusions contained in Paragraph 151 insofar as they pertain to Google. Google lacks
15 knowledge and information sufficient to form a belief as to the truth of the remaining allegations
16 in Paragraph 151 as they pertain to the other Defendants and on that basis denies them.

17 152. Google denies the allegations, assumptions, inferences, characterizations, and
18 conclusions contained in Paragraph 152 insofar as they pertain to Google. Google lacks
19 knowledge and information sufficient to form a belief as to the truth of the remaining allegations
20 in Paragraph 152 as they pertain to the other Defendants and on that basis denies them.

21 153. Google lacks knowledge and information sufficient to form a belief as to the truth of
22 the remaining allegations in Paragraph 153 and on that basis denies them.

23 154. Google admits that AAIDs are anonymized device identifiers. Google admits that
24 AAIDs may be used for personalized advertising if certain conditions are met. Google denies the
25 remaining allegations.

26 155. Google denies that anonymized device identifiers include information of any kind
27 because they are identifiers, not information. Google denies the remaining allegations insofar as
28 they pertain to Google.

1 156. Google states that the document referenced in Paragraph 156, including footnote 23,
2 speaks for itself. To the extent a response is required, Google denies the allegations insofar as they
3 pertain to Google.

4 157. Google states that the document referenced in Paragraph 157, including footnote 24,
5 speaks for itself. To the extent a response is required, Google denies the allegations insofar as they
6 pertain to Google.

7 158. Google denies that it “disclos[ed] a [Flo App] user’s personal data to select and
8 serve an advertisement (or to conduct any third-party analytics or otherwise monetize user data).”
9 Google denies that it “pass[ed] identifying [Flo App] user data” to third parties. Google denies the
10 remaining allegations insofar as they pertain to Google. Google lacks knowledge and information
11 sufficient to form a belief as to the truth of the remaining allegations in Paragraph 158 and on that
12 basis denies them.

13 159. Paragraph 159 contains legal conclusions, characterizations, or arguments, to which
14 no response is required. To the extent a response is required, Google denies the allegations.

15 160. Google denies that it “collected” Flo App users’ “personal information.” Google
16 denies that it “sold” Flo App users’ “personal information” to “third parties.” Google denies the
17 remaining allegations insofar as they pertain to Google. Google lacks knowledge and information
18 sufficient to form a belief as to the truth of the remaining allegations in Paragraph 160 and on that
19 basis denies them.

20 **C. Defendants’ Failure to Obtain User Consent**

21 161. Google lacks knowledge and information sufficient to form a belief as to the truth of
22 the allegations in Paragraph 161 and on that basis denies them.

23 162. Google states that Flo Health’s “Privacy Policy” speaks for itself. Google lacks
24 knowledge and information sufficient to form a belief as to the truth of the remaining allegations
25 in Paragraph 162 and on that basis denies them.

26 163. Google states that Flo Health’s “Privacy Policy” as referenced in Paragraph 163 and
27 footnote 25 speaks for itself and no response is required. To the extent a response is required,
28

1 Google lacks knowledge and information sufficient to form a belief as to the truth of the
2 allegations in Paragraph 163 and on that basis denies them.

3 164. Google states that Flo Health's "Privacy Policy" as referenced in Paragraph 164 and
4 footnote 26 speaks for itself and no response is required. To the extent a response is required,
5 Google lacks knowledge and information sufficient to form a belief as to the truth of the
6 allegations in Paragraph 164 and on that basis denies them.

7 165. Google states that Flo Health's "Privacy Policy" as referenced in Paragraph 165 and
8 footnote 27 speaks for itself and no response is required. To the extent a response is required,
9 Google lacks knowledge and information sufficient to form a belief as to the truth of the
10 allegations in Paragraph 165 and on that basis denies them.

11 166. Google states that Flo Health's "Privacy Policy" as referenced in Paragraph 166 and
12 footnote 28 speaks for itself and no response is required. To the extent a response is required,
13 Google lacks knowledge and information sufficient to form a belief as to the truth of the
14 allegations in Paragraph 166 and on that basis denies them.

15 167. Google states that Flo Health's "Privacy Policy" as referenced in Paragraph 167 and
16 footnote 29 speaks for itself and no response is required. To the extent a response is required,
17 Google lacks knowledge and information sufficient to form a belief as to the truth of the
18 allegations in Paragraph 167 and on that basis denies them.

19 168. Google states that Flo Health's "Privacy Policy" as referenced in Paragraph 168
20 speaks for itself. Google lacks knowledge and information sufficient to form a belief as to the
21 truth of the remaining allegations in Paragraph 168 and on that basis denies them.

22 169. Paragraph 169 contains legal conclusions, characterizations, or arguments, to which
23 no response is required. To the extent a response is required, Google states that Flo Health's
24 "disclosures" speak for themselves. Google lacks knowledge and information sufficient to form a
25 belief as to the truth of the remaining allegations in Paragraph 169 and on that basis denies them

26 170. Paragraph 170 contains legal conclusions, characterizations, or arguments, to which
27 no response is required. To the extent a response is required, Google states that Flo Health's
28

1 “Privacy Policy” speaks for itself. Google lacks knowledge and information sufficient to form a
2 belief as to the truth of the remaining allegations in Paragraph 170 and on that basis denies them.

3 171. Paragraph 171 contains legal conclusions, characterizations, or arguments, to which
4 no response is required. To the extent a response is required, Google responds that it lacks
5 knowledge and information sufficient to form a belief as to the truth of the allegations in
6 Paragraph 171 and on that basis denies them.

7 172. Google states that the “Term” in Paragraph 172 speaks for itself. To the extent a
8 response is required, Google responds that it lacks knowledge and information sufficient to form a
9 belief as to the truth of the remaining allegations in Paragraph 172 and on that basis denies them.

10 173. Google states that the “Term” in Paragraph 173 speaks for itself. To the extent a
11 response is required, Google responds that it lacks knowledge and information sufficient to form a
12 belief as to the truth of the remaining allegations in Paragraph 173 and on that basis denies them.

13 174. Google lacks knowledge and information sufficient to form a belief as to the truth of
14 the allegations in Paragraph 174 and on that basis denies them.

15 175. Paragraph 175 contains legal conclusions, characterizations, or arguments, to which
16 no response is required. To the extent a response is required, Google responds that it lacks
17 knowledge and information sufficient to form a belief as to the truth of the allegations in
18 Paragraph 175 and on that basis denies them.

19 176. Paragraph 176 contains legal conclusions, characterizations, or arguments, to which
20 no response is required. To the extent a response is required, Google responds that it lacks
21 knowledge and information sufficient to form a belief as to the truth of the allegations in
22 Paragraph 176 and on that basis denies them.

23 177. Google states that Flo Health’s “Privacy Policy” referenced in Paragraph 177 and
24 footnote 30 speaks for itself and no response is required. To the extent a response is required,
25 Google admits that it received non-personally identifiable information from the Flo App, such as
26 device identifiers. Google denies the remaining allegations.

27 178. Google states that Flo Health’s “Privacy Policy” speaks for itself and no response is
28 required. To the extent a response is required, Google responds that it lacks knowledge and

1 information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 178
2 and on that basis denies them.

3 179. Paragraph 179 contains legal conclusions, characterizations, or arguments, to which
4 no response is required. To the extent a response is required, Google responds that the article cited
5 in footnote 31 speaks for itself. Google lacks knowledge and information sufficient to form a
6 belief as to the truth of the remaining allegations in Paragraph 179 and on that basis denies them.

7 180. Paragraph 180 contains legal conclusions, characterizations, or arguments, to which
8 no response is required. To the extent a response is required, Google responds that it lacks
9 knowledge and information sufficient to form a belief as to the truth of the remaining allegations
10 in Paragraph 180, including as to Flo Health's Privacy Policy or the other Defendants, and on that
11 basis denies them.

12 181. Google states that the FTC Complaint cited in footnotes 32 and 33 speaks for itself
13 and no response is required. To the extent a response is required, Google responds that it lacks
14 knowledge and information sufficient to form a belief as to the truth of the remaining allegations
15 in Paragraph 181 and on that basis denies them.

16 182. Google denies that it used Flo App users' "intimate health data" to "target[]"
17 Plaintiffs and Class members for advertisements and marketing campaigns." Google denies all
18 other allegations. Google lacks knowledge and information sufficient to form a belief as to the
19 truth of the remaining allegations in Paragraph 182, including as to the other Defendants, and on
20 that basis denies them.

21 183. Google states that Paragraph 183 contains legal conclusions, characterizations, or
22 arguments, to which no response is required. Google denies all other allegations. Google lacks
23 knowledge and information sufficient to form a belief as to the truth of the remaining allegations
24 in Paragraph 183, including as to the other Defendants, and on that basis denies them.

25 184. Google admits that Paragraph 184 purports to cite unidentified document(s). Google
26 lacks knowledge and information sufficient to form a belief as to the truth of the remaining
27 allegations in Paragraph 184 and on that basis denies them.
28

185. Google states that the article cited in Paragraph 185, footnote 34 speaks for itself and no response is required. To the extent a response is required, Google denies the allegations.

186. Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 186 and on that basis denies them.

D. Plaintiffs and Class Members Have a Reasonable Expectation of Privacy, Especially With Respect to the Intimate Health Data That Users Shared Here

187. Paragraph 187 contains legal conclusions, characterizations, or arguments, to which no response is required. To the extent a response is required, Google denies that it received “Plaintiffs and Class members’ . . . intimate health data.” Google lacks knowledge and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 187 and on that basis denies them.

188. Google admits that Paragraph 188 purports to cite to unidentified document(s). Google denies that it “collect[ed] and disclos[ed] consumers’ intimate personal data.” Paragraph 188 contains legal conclusions, characterizations, or arguments, to which no response is required. Google lacks knowledge and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 188 and on that basis denies them.

189. Google admits that Paragraph 189 purports to cite to unidentified document(s). Google lacks knowledge and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 189 and on that basis denies them.

190. Google states that the websites cited in Paragraph 190, footnotes 35 and 36, speak for themselves and no response is required. To the extent a response is required, Google denies the allegations.

191. Google states that the website cited in Paragraph 191, footnote 37, speaks for itself and no response is required. To the extent a response is required, Google denies the allegations.

192. Google states that the paper cited in Paragraph 192, footnote 38, speaks for itself and no response is required. To the extent a response is required, Google denies the allegations.

193. Google states that the paper cited in Paragraph 193, footnote 39, speaks for itself and no response is required. To the extent a response is required, Google denies the allegations.

1 194. Google states that the paper cited in Paragraph 194, footnote 40, speaks for itself and
2 no response is required. To the extent a response is required, Google denies the allegations.

3 195. Google states that the websites cited in Paragraphs 195, footnotes 41 and 42, speak
4 for themselves and no response is required. To the extent a response is required, Google denies the
5 allegations.

6 196. Google states that the website cited in Paragraph 196, footnote 43, speaks for itself
7 and no response is required. To the extent a response is required, Google denies the allegations.

8 197. Google states that the websites cited in Paragraph 197, footnotes 44 and 45, speak
9 for themselves and no response is required. To the extent a response is required, Google denies the
10 allegations.

11 198. Google lacks knowledge and information sufficient to form a belief as to the truth of
12 the remaining allegations in Paragraph 198 and on that basis denies them.

13 199. Google denies that it “surreptitiously receive[d] and record[ed] . . . personal and
14 protected information communicated by users of the Flo App.” Google denies that it received
15 “free reign [sic]” from Flo Health to do so. Paragraph 199 contains legal conclusions,
16 characterizations, or arguments, to which no response is required. To the extent a response is
17 required, Google denies the allegations.

18 200. Google states that the FTC Complaint cited in footnote 46 speaks for itself.
19 Paragraph 200 contains legal conclusions, characterizations, or arguments, to which no response is
20 required. To the extent a response is required, Google denies the allegations.

21 **E. Plaintiffs’ Information that Flo Health Disclosed is Plaintiffs’ Property, has**
22 **Economic Value, and its Illicit Disclosure Caused Economic Harm**

23 201. Google states that the website cited in footnotes 47 and 48 speaks for itself. To the
24 extent a response is required, Google denies the allegations.

25 202. Google denies that it “bought and sold” “personal health data that Flo Health
26 collected from its users.” Google lacks knowledge and information sufficient to form a belief as to
27 the truth of the allegations in Paragraph 202 and on that basis denies them.

28 203. Google states that the website cited in footnotes 49 and 50 speaks for itself and no
response is required. To the extent a response is required, Google denies the allegations.

1 204. Google states that the website cited in footnotes 51, 52, and 53 speaks for itself and
2 no response is required. To the extent a response is required, Google denies the allegations.

3 205. Google states that the article cited in footnote 54 speaks for itself and no response is
4 required. To the extent a response is required, Google denies the allegations.

5 206. Google states that the paper cited in footnotes 55, 56, and 57 speaks for itself and no
6 response is required. To the extent a response is required, Google denies the allegations.

7 207. Google states that the paper cited in footnotes 55 and 58 speaks for itself and no
8 response is required. To the extent a response is required, Google denies the allegations.

9 208. Google states that the websites cited in footnotes 59 and 60 speak for themselves
10 and no response is required. To the extent a response is required, Google denies the allegations.

11 209. Google states that the website cited in footnotes 60 and 61 speaks for itself and no
12 response is required. To the extent a response is required, Google denies the allegations.

13 210. Google states that the website cited in footnotes 60, 61, and 62 speaks for itself and
14 no response is required. To the extent a response is required, Google denies the allegations.

15 211. Google denies that it “valued” Flo App users’ “personal data in real-world dollars.”
16 Google lacks knowledge and information sufficient to form a belief as to the truth of the
17 remaining allegations in Paragraph 211 and on that basis denies them.

18 212. Google states that the websites cited in footnotes 63 and 64 speak for themselves
19 and no response is required. To the extent a response is required, Google states that it lacks
20 knowledge and information sufficient to form a belief as to the truth of the allegations in
21 Paragraph 212 and on that basis denies them.

22 213. Google states that the websites cited and referenced in Paragraph 213 and footnotes
23 65-68 speak for themselves, and no response is required. To the extent a response is required,
24 Google admits that the Screenwise Meter is an application used to manage registered panelists’
25 participation in market research panels. Google also admits that the Ipsos Screenwise Panel is a
26 consumer research study conducted by Ipsos for Google. Google further states that the website for
27 Ipsos Screenwise Panel, as cited in footnote 68, speaks for itself. Google denies all other
28 allegations not otherwise admitted.

1 214. Google lacks knowledge and information sufficient to form a belief as to the truth of
2 the allegations in Paragraph 214, and on that basis denies them.

3 215. Paragraph 215 contains characterizations or arguments, to which no response is
4 required. To the extent a response is required, Google denies the allegations contained in
5 Paragraph 215 insofar as they pertain to Google. Google lacks knowledge and information
6 sufficient to form a belief as to the truth of the remaining allegations in Paragraph 215 as they
7 pertain to the other Defendants, and on that basis denies them.

8 216. Paragraph 216 contains legal conclusions, characterizations, or arguments, to which
9 no response is required. To the extent a response is required, Google denies the allegations
10 contained in Paragraph 216 insofar as they pertain to Google. Google lacks knowledge and
11 information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 216
12 as they pertain to the other Defendants or other third parties, and on that basis denies them.

13 **F. The FTC Has Filed Suit and Entered Into a Settlement Based on Flo Health's**
14 **Privacy Violations**

15 217. Google states that the article referenced in Paragraph 217 speaks for itself, and
16 therefore no response is required. To the extent a response is required, Google lacks knowledge
17 and information sufficient to form a belief as to the truth of the allegations in Paragraph 217, and
18 on that basis denies them.

19 218. Google states that the FTC complaint referenced in Paragraph 218 speaks for itself,
20 and therefore no response is required. To the extent a response is required, Google lacks
21 knowledge and information sufficient to form a belief as to the truth of the remaining allegations
22 in Paragraph 218, including because they pertain to the other Defendants or other third parties, and
23 on that basis denies them.

24 219. Google lacks knowledge and information sufficient to form a belief as to the truth of
25 the remaining allegations in Paragraph 219 as they pertain to the other Defendant or other third
26 parties, and on that basis denies them.

27 220. Google admits that Paragraph 220 purports to cite to unidentified document(s).
28 Google admits that the Flo App transmitted "Standard App Events" and "Custom App Events" to
Google Analytics for Firebase. Google admits that it provided analytics services to the Flo App

1 subject to its terms of service. Indeed, the Google Analytics Terms of Service prohibit app
2 developers from sending Google Analytics any data that contains personally identifiable
3 information, and Google’s personalized advertising policies prohibit personalized advertising
4 based on sensitive information or prohibited categories, including personal health conditions and
5 related health information. Google denies that it received or used “Flo App users’ personal health
6 information for . . . [its] own purposes, including for advertising and product improvement.”
7 Google denies the remaining allegations insofar as they pertain to Google. Google lacks
8 knowledge and information sufficient to form a belief as to the truth of the remaining allegations
9 as they pertain to the other Defendants or other third parties, and on that basis denies them.

10 221. Google admits that it is aware that Flo Health entered into a settlement with the
11 FTC. Google lacks knowledge and information sufficient to form a belief as to the truth of the
12 remaining allegations in Paragraph 221 as they pertain to the other Defendants or other third
13 parties, and on that basis denies them

14 222. Google states that the settlement referenced by Paragraph 222 speaks for itself, and
15 therefore no response is required. To the extent a response is required, Google lacks knowledge
16 and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph
17 222, including because they pertain to another Defendant, and on that basis denies them

18 223. Google states that the settlement referenced by Paragraph 223 speaks for itself, and
19 therefore no response is required. To the extent a response is required, Google lacks knowledge
20 and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph
21 223, including because they pertain to another Defendant, and on that basis denies them

22 224. Google states that Paragraph 224 purports to cite to an FTC webpage, which speaks
23 for itself and therefore no response is required. To the extent a response is required, Google lacks
24 knowledge and information sufficient to form a belief as to the truth of the remaining allegations
25 in Paragraph 224, including because they pertain to another Defendant, and on that basis denies
26 them.

27 225. Google states that Paragraph 225 purports to cite to an FTC webpage, which speaks
28 for itself and therefore no response is required. To the extent a response is required, Google lacks

1 knowledge and information sufficient to form a belief as to the truth of the remaining allegations
2 in Paragraph 225, including because they pertain to other Defendants, and on that basis denies
3 them.

4 226. Google admits that, based on its review of publicly available government website,
5 the FTC published a notice titled “Flo Health, Inc.: Analysis of Proposed Consent Order To Aid
6 Public Comment” on January 28, 2021 that solicited comments through March 1, 2021.

7 227. Google states that Paragraph 227 purports to cite and characterize certain FTC
8 webpages, which speak for themselves and therefore no response is required. To the extent a
9 response is required, Google lacks knowledge and information sufficient to form a belief as to the
10 truth of the remaining allegations in Paragraph 227.

11 228. Google states that Paragraph 228 purports to cite and characterize certain third-party
12 webpages, which speak for themselves and therefore no response is required. To the extent a
13 response is required, Google lacks knowledge and information sufficient to form a belief as to the
14 truth of the remaining allegations in Paragraph 228.

15 229. Google states that Paragraph 229 purports to cite and characterize certain third-party
16 webpages, which speak for themselves and therefore no response is required. To the extent a
17 response is required, Google lacks knowledge and information sufficient to form a belief as to the
18 truth of the remaining allegations in Paragraph 229.

19 230. Google states that the FTC Decision & Order referenced in Paragraph 230 speaks
20 for itself, and therefore no response is required. To the extent a response is required, Google lacks
21 knowledge and information sufficient to form a belief as to the truth of the remaining allegations
22 in Paragraph 230 as they pertain to another Defendant, and on that basis denies them.

23 231. Google states that the FTC Decision & Order referenced in Paragraph 231 speaks
24 for itself, and therefore no response is required. To the extent a response is required, Google lacks
25 knowledge and information sufficient to form a belief as to the truth of the remaining allegations
26 in Paragraph 231 as they pertain to other Defendants or third parties, and on that basis denies
27 them.

28

232. Google states that the purported notice from Flo Health’s website referenced in Paragraph 232 speaks for itself, and therefore no response is required. To the extent a response is required, Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 232, and on that basis denies them.

G. The NYSDFS Found That Facebook Received Sensitive Health Information From the Flo App

233. Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 233 as they pertain to another Defendant, and on that basis denies them.

234. Google states that the “NYSDFS report” and “Facebook[] applicable terms” referenced in Paragraph 234 speak for themselves, and therefore no response is required. Google lacks knowledge and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 234 as they pertain to other Defendants, and on that basis denies them.

235. Paragraph 235 contains legal conclusions, characterizations, or arguments, to which no response is required. To the extent a response is required, Google denies that it received “highly descriptive Custom App Events” from Flo App. Google further states that the “NYSDFS report” referenced in Paragraph 235 speaks for itself, and therefore no response is required. Google lacks knowledge and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 235 as they pertain to other Defendants, and on that basis denies them.

236. Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 236 as they pertain to another Defendant, and on that basis denies them.

237. Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 237 as they pertain to another Defendant, and on that basis denies them.

238. Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 238 as they pertain to another Defendant, and on that basis denies them.

1 239. Google lacks knowledge and information sufficient to form a belief as to the truth of
2 the allegations in Paragraph 239 as they pertain to another Defendant, and on that basis denies
3 them.

4 240. Google lacks knowledge and information sufficient to form a belief as to the truth of
5 the remaining allegations in Paragraph 240 as they pertain to other Defendants and third parties,
6 and on that basis denies them.

7 **TOLLING, CONCEALMENT, ESTOPPEL, AND DELAYED DISCOVERY**

8 241. Paragraph 241 contains legal conclusions, characterizations, or arguments, to which
9 no response is required. To the extent a response is required, Google denies the allegations in
10 Paragraph 241. Google also lacks knowledge and information sufficient to form a belief as to the
11 truth of the allegations in Paragraph 241 as they pertain to another Defendant, and on that basis
12 also denies them.

13 242. Paragraph 242 contains legal conclusions, characterizations, or arguments, to which
14 no response is required. To the extent a response is required, Google denies the allegations in
15 Paragraph 242. Google also lacks knowledge and information sufficient to form a belief as to the
16 truth of the allegations in Paragraph 242 as they pertain to another Defendant, and on that basis
17 also denies them.

18 243. Paragraph 243 contains legal conclusions, characterizations, or arguments, to which
19 no response is required. To the extent a response is required, Google denies the allegations in
20 Paragraph 241. Google also lacks knowledge and information sufficient to form a belief as to the
21 truth of the allegations in Paragraph 243 as they pertain to other Defendants, and on that basis also
22 denies them.

23 244. Paragraph 244 contains legal conclusions, characterizations, or arguments, to which
24 no response is required. To the extent a response is required, Google denies the allegations in
25 Paragraph 244.
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CLASS ACTION ALLEGATIONS

245. Paragraph 245 contains legal conclusions, characterizations, or arguments, to which no response is required. To the extent a response is required, Google denies the allegations in Paragraph 245.

246. Paragraph 246 contains legal conclusions, characterizations, or arguments, to which no response is required. To the extent a response is required, Google denies the allegations in Paragraph 246.

247. Paragraph 247 contains legal conclusions, characterizations, or arguments, to which no response is required. To the extent a response is required, Google denies the allegations in Paragraph 247.

248. Paragraph 248 contains legal conclusions, characterizations, or arguments, to which no response is required. To the extent a response is required, Google denies the allegations in Paragraph 248.

249. Paragraph 249 contains legal conclusions, characterizations, or arguments, to which no response is required. To the extent a response is required, Google denies the allegations in Paragraph 249.

250. Paragraph 250 contains legal conclusions, characterizations, or arguments, to which no response is required. To the extent a response is required, Google denies the allegations in Paragraph 250.

251. Paragraph 251 contains legal conclusions, characterizations, or arguments, to which no response is required. To the extent a response is required, Google denies the allegations in Paragraph 251.

252. Paragraph 252 contains legal conclusions, characterizations, or arguments, to which no response is required. To the extent a response is required, Google denies the allegations in Paragraph 252.

CALIFORNIA LAW APPLIES TO THE ENTIRE CLASS

253. Paragraph 253 contains legal conclusions, characterizations, or arguments, to which no response is required. Google also states that the “Terms of Use” (also referenced as “Agreement”) referenced in Paragraph 253 speaks for itself, and therefore no response is required.

254. Paragraph 254 contains legal conclusions, characterizations, or arguments, to which no response is required. Google also states that the “Agreement” referenced in Paragraph 254 speaks for itself, and therefore no response is required. To the extent a response is required, Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 254 as they pertain to the other Defendant, and on that basis denies them

255. Paragraph 255 contains legal conclusions, characterizations, or arguments, to which no response is required. To the extent a response is required, Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations as they pertain to the other Defendant, and on that basis denies them

256. Paragraph 256 contains legal conclusions, characterizations, or arguments, to which no response is required.

257. Paragraph 257 contains legal conclusions, characterizations, or arguments, to which no response is required. To the extent a response is required, Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 257 as they pertain to another Defendant, and on that basis denies them

258. Paragraph 258 contains legal conclusions, characterizations, or arguments, to which no response is required.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

**Violation Common Law Invasion of Privacy – Intrusion Upon Seclusion
Against Flo Health
(On Behalf of Plaintiffs and the Class and Subclass)**

259. Google incorporates its responses in the preceding paragraphs of this Answer.

260. Paragraph 260 contains legal conclusions, characterizations, or arguments, to which no response is required. To the extent a response is required, Google lacks knowledge and

1 information sufficient to form a belief as to the truth of the allegations in Paragraph 260 as they
2 pertain to another Defendant, and on that basis denies them.

3 261. Paragraph 261 contains legal conclusions, characterizations, or arguments, to which
4 no response is required. To the extent a response is required, Google lacks knowledge and
5 information sufficient to form a belief as to the truth of the allegations in Paragraph 261 as they
6 pertain to another Defendant, and on that basis denies them.

7 262. Paragraph 262 contains legal conclusions, characterizations, or arguments, to which
8 no response is required. To the extent a response is required, Google lacks knowledge and
9 information sufficient to form a belief as to the truth of the allegations in Paragraph 262 as they
10 pertain to another Defendant, and on that basis denies them.

11 263. Paragraph 263 contains legal conclusions, characterizations, or arguments, to which
12 no response is required. To the extent a response is required, Google lacks knowledge and
13 information sufficient to form a belief as to the truth of the allegations in Paragraph 263 as they
14 pertain to another Defendant, and on that basis denies them.

15 264. Paragraph 264 contains legal conclusions, characterizations, or arguments, to which
16 no response is required. To the extent a response is required, Google lacks knowledge and
17 information sufficient to form a belief as to the truth of the allegations in Paragraph 264 as they
18 pertain to another Defendant, and on that basis denies them.

19 265. Paragraph 265 contains legal conclusions, characterizations, or arguments, to which
20 no response is required. To the extent a response is required, Google lacks knowledge and
21 information sufficient to form a belief as to the truth of the allegations in Paragraph 265 as they
22 pertain to another Defendant, and on that basis denies them.

23 266. Paragraph 266 contains legal conclusions, characterizations, or arguments, to which
24 no response is required. To the extent a response is required, Google lacks knowledge and
25 information sufficient to form a belief as to the truth of the allegations in Paragraph 266 as they
26 pertain to another Defendant, and on that basis denies them.

27 267. Paragraph 267 contains legal conclusions, characterizations, or arguments, to which
28 no response is required. To the extent a response is required, Google lacks knowledge and

1 information sufficient to form a belief as to the truth of the allegations in Paragraph 267 as they
2 pertain to another Defendant, and on that basis denies them.

3 268. Paragraph 268 contains characterizations or arguments, to which no response is
4 required. Google states that the FTC complaint referenced in Paragraph 268 and footnote 79
5 speaks for itself, and therefore no response is required. To the extent a response is required,
6 Google lacks knowledge and information sufficient to form a belief as to the truth of the
7 allegations in Paragraph 268 as they pertain to another Defendant, and on that basis denies them.

8 269. Google states that the Wall Street Journal article referenced in Paragraph 2689 and
9 footnote 80 speaks for itself, and therefore no response is required. To the extent a response is
10 required, Google lacks knowledge and information sufficient to form a belief as to the truth of the
11 allegations in Paragraph 269 as they pertain to another Defendant, and on that basis denies them.

12 270. Paragraph 270 contains legal conclusions, characterizations, or arguments, to which
13 no response is required. To the extent a response is required, Google lacks knowledge and
14 information sufficient to form a belief as to the truth of the allegations in Paragraph 270 as they
15 pertain to another Defendant, and on that basis denies them.

16 271. Paragraph 271 contains legal conclusions, characterizations, or arguments, to which
17 no response is required. To the extent a response is required, Google lacks knowledge and
18 information sufficient to form a belief as to the truth of the allegations in Paragraph 271 as they
19 pertain to another Defendant, and on that basis denies them.

20 272. Paragraph 272 contains legal conclusions, characterizations, or arguments, to which
21 no response is required. To the extent a response is required, Google lacks knowledge and
22 information sufficient to form a belief as to the truth of the allegations in Paragraph 272 as they
23 pertain to another Defendant, and on that basis denies them.

24 273. Paragraph 273 contains legal conclusions, characterizations, or arguments, to which
25 no response is required. To the extent a response is required, Google lacks knowledge and
26 information sufficient to form a belief as to the truth of the allegations in Paragraph 273 as they
27 pertain to another Defendant, and on that basis denies them.

28

274. Paragraph 274 contains legal conclusions, characterizations, or arguments, to which no response is required. To the extent a response is required, Google denies the allegations and denies that Plaintiffs are entitled to relief.

SECOND CLAIM FOR RELIEF
Intrusion of Privacy and Violation of the California Constitution, Art. 1, § 1
Against Flo Health
(On Behalf of Plaintiffs and the Class and Subclass)

275. Google incorporates its responses in the preceding paragraphs of this Answer.

276. Paragraph 276 contains legal conclusions, characterizations, or arguments, to which no response is required. To the extent a response is required, Google admits that Paragraph 276 cites to Article I, section 1 of the California Constitution.

277. Paragraph 277 contains legal conclusions, characterizations, or arguments, to which no response is required. To the extent a response is required, Google denies the allegations.

278. Paragraph 278 contains legal conclusions, characterizations, or arguments, to which no response is required. To the extent a response is required, Google denies the allegations.

279. Paragraph 279 contains legal conclusions, characterizations, or arguments, to which no response is required. To the extent a response is required, Google denies the allegations.

280. Paragraph 280 contains legal conclusions, characterizations, or arguments, to which no response is required. To the extent a response is required, Google denies that it received “private information” for its “own monetary gain” from the Flo App. Google lacks knowledge and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 280 as they pertain to other Defendants, and on that basis denies them.

281. Paragraph 281 contains legal conclusions, characterizations, or arguments, to which no response is required. To the extent a response is required, Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 281 as they pertain to another Defendant, and on that basis denies them.

282. Paragraph 282 contains legal conclusions, characterizations, or arguments, to which no response is required. To the extent a response is required, Google lacks knowledge and

1 information sufficient to form a belief as to the truth of the allegations in Paragraph 282 as they
 2 pertain to another Defendant, and on that basis denies them.

3 283. Paragraph 283 contains legal conclusions, characterizations, or arguments, to which
 4 no response is required. To the extent a response is required, Google lacks knowledge and
 5 information sufficient to form a belief as to the truth of the allegations in Paragraph 283 as they
 6 pertain to another Defendant, and on that basis denies them.

7 284. Paragraph 284 contains legal conclusions, characterizations, or arguments, to which
 8 no response is required. To the extent a response is required, Google denies the allegations.

9 285. Paragraph 285 contains legal conclusions, characterizations, or arguments, to which
 10 no response is required. To the extent a response is required, Google lacks knowledge and
 11 information sufficient to form a belief as to the truth of the allegations in Paragraph 285 as they
 12 pertain to another Defendant, and on that basis denies them.

13 286. Paragraph 286 contains legal conclusions, characterizations, or arguments, to which
 14 no response is required. To the extent a response is required, Google lacks knowledge and
 15 information sufficient to form a belief as to the truth of the allegations in Paragraph 286 as they
 16 pertain to another Defendant, and on that basis denies them.

17 287. Paragraph 287 contains legal conclusions, characterizations, or arguments, to which
 18 no response is required. To the extent a response is required, Google denies the allegations and
 19 denies that Plaintiffs are entitled to relief.

20 **THIRD CLAIM FOR RELIEF**
 21 **Breach of Contract against Flo Health**
(On Behalf of Plaintiffs and the Class and Subclass)

22 288. Google incorporates its responses in the preceding paragraphs of this Answer.

23 289. Paragraph 289 contains legal conclusions, characterizations, or arguments, to which
 24 no response is required. To the extent a response is required, Google lacks knowledge and
 25 information sufficient to form a belief as to the truth of the allegations in Paragraph 289 as they
 26 pertain to another Defendant and other parties, and on that basis denies them.

27 290. Google states that the Terms of Use (“TOU”) referenced in Paragraph 290 and
 28 footnote 81 speaks for itself, and therefore no response is required. To the extent a response is

1 required, Google lacks knowledge and information sufficient to form a belief as to the truth of the
2 allegations in Paragraph 290 as they pertain to another Defendant, and on that basis denies them.

3 291. Paragraph 291 contains legal conclusions, characterizations, or arguments, to which
4 no response is required. Google states that the Privacy Policy referenced in Paragraph 291 and
5 footnote 82 speaks for itself, and therefore no response is required. To the extent a response is
6 required, Google lacks knowledge and information sufficient to form a belief as to the truth of the
7 allegations in Paragraph 291 as they pertain to another Defendant, and on that basis denies them.

8 292. Paragraph 292 contains legal conclusions, characterizations, or arguments, to which
9 no response is required. Google states that the Privacy Policy referenced in Paragraph 292 and
10 footnote 83 speaks for itself, and therefore no response is required. To the extent a response is
11 required, Google lacks knowledge and information sufficient to form a belief as to the truth of the
12 allegations in Paragraph 292 as they pertain to another Defendant, and on that basis denies them.

13 293. Paragraph 293 contains legal conclusions, characterizations, or arguments, to which
14 no response is required. Google states that the Privacy Policy referenced in Paragraph 293 speaks
15 for itself, and therefore no response is required. To the extent a response is required, Google lacks
16 knowledge and information sufficient to form a belief as to the truth of the allegations in
17 Paragraph 293 as they pertain to other Defendants, and on that basis denies them.

18 294. Paragraph 294 contains legal conclusions, characterizations, or arguments, to which
19 no response is required. Google states that the Privacy Policy referenced in Paragraph 294 and
20 footnote 84 speaks for itself, and therefore no response is required. To the extent a response is
21 required, Google denies that it received “Custom App Events which conveyed identifiable
22 information and intimate health data.” Google lacks knowledge and information sufficient to form
23 a belief as to the truth of the allegations in Paragraph 294 as they pertain to other Defendants, and
24 on that basis denies them.

25 295. Paragraph 295 contains legal conclusions, characterizations, or arguments, to which
26 no response is required. To the extent a response is required, Google lacks knowledge and
27 information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 295
28 as they pertain to other Defendants, and on that basis denies them.

296. Paragraph 296 contains legal conclusions, characterizations, or arguments, to which no response is required. To the extent a response is required, Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 296 as they pertain to another Defendant, and on that basis denies them.

297. Paragraph 297 contains legal conclusions, characterizations, or arguments, to which no response is required. To the extent a response is required, Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 297 as they pertain to another Defendant, and on that basis denies them.

FOURTH CLAIM FOR RELIEF
Breach of Implied Contract Against Flo Health
(On Behalf of Plaintiffs and the Class and Subclass)
(In the Alternative)

298. Google incorporates its responses in the preceding paragraphs of this Answer.

299. Paragraph 299 does not contain a factual allegation to which a response is required. To the extent a response is required, Google denies that Plaintiffs are entitled to relief.

300. Paragraph 300 contains legal conclusions, characterizations, or arguments, to which no response is required. To the extent a response is required, Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 300 as they pertain to another Defendant. and on that basis denies them.

301. Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 301 as they pertain to another Defendant. and on that basis denies them.

302. Paragraph 302 contains legal conclusions, characterizations, or arguments, to which no response is required. Google states that the Privacy Policy referenced in Paragraph 302 and footnote 85 speaks for itself, and therefore no response is required. To the extent a response is required, Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 302 as they pertain to another Defendant, and on that basis denies them.

303. Paragraph 303 contains legal conclusions, characterizations, or arguments, to which no response is required. To the extent a response is required, Google lacks knowledge and

1 information sufficient to form a belief as to the truth of the allegations in Paragraph 303 as they
2 pertain to another Defendant, and on that basis denies them.

3 304. Paragraph 304 contains legal conclusions, characterizations, or arguments, to which
4 no response is required. To the extent a response is required, Google lacks knowledge and
5 information sufficient to form a belief as to the truth of the allegations in Paragraph 304 as they
6 pertain to another Defendant, and on that basis denies them.

7 305. Paragraph 305 contains legal conclusions, characterizations, or arguments, to which
8 no response is required. To the extent a response is required, Google lacks knowledge and
9 information sufficient to form a belief as to the truth of the allegations in Paragraph 305 as they
10 pertain to another Defendant, and on that basis denies them.

11 306. Paragraph 306 contains legal conclusions, characterizations, or arguments, to which
12 no response is required. To the extent a response is required, Google lacks knowledge and
13 information sufficient to form a belief as to the truth of the allegations in Paragraph 306 as they
14 pertain to another Defendant and on that basis denies them.

15 307. Paragraph 307 contains legal conclusions, characterizations, or arguments, to which
16 no response is required. To the extent a response is required, Google lacks knowledge and
17 information sufficient to form a belief as to the truth of the allegations in Paragraph 307.

18 308. Paragraph 308 contains legal conclusions, characterizations, or arguments, to which
19 no response is required. Google states that the Terms of Use referenced in Paragraph 308 and
20 footnote 86 speaks for itself, and therefore no response is required. To the extent a response is
21 required, Google lacks knowledge and information sufficient to form a belief as to the truth of the
22 allegations in Paragraph 308 as they pertain to another Defendant, and on the basis denies them.

23 309. Paragraph 309 contains legal conclusions, characterizations, or arguments, to which
24 no response is required. To the extent a response is required, Google lacks knowledge and
25 information sufficient to form a belief as to the truth of the allegations in Paragraph 309 as they
26 pertain to another Defendant, and on that basis denies them.

27 310. Paragraph 310 contains legal conclusions, characterizations, or arguments, to which
28 no response is required. To the extent a response is required, Google lacks knowledge and

1 information sufficient to form a belief as to the truth of the allegations in Paragraph 310 as they
 2 pertain to another Defendant, and other third parties, and on that basis denies them.

3 311. Paragraph 311 contains legal conclusions, characterizations, or arguments, to which
 4 no response is required. To the extent a response is required, Google lacks knowledge and
 5 information sufficient to form a belief as to the truth of the allegations in Paragraph 311 as they
 6 pertain to another Defendant, and other third parties, and on that basis denies them.

7 **FIFTH CLAIM FOR RELIEF**
 8 **Unjust Enrichment Against Flo Health, Facebook, Google, and Flurry**
 9 **(On Behalf of Plaintiffs and the Class and Subclass)**
 10 **(In the Alternative as to Flo Health)**

11 312. Pursuant to the Court's June 6, 2022 Order, this claim has been dismissed and thus
 12 no response is required. To the extent a response is required, Google denies the allegations insofar
 13 as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as
 14 to the truth of the remaining allegations in Paragraph 312 as they pertain to the other Defendants
 15 or other third parties, and on that basis denies them.

16 313. Pursuant to the Court's June 6, 2022 Order, this claim has been dismissed and thus
 17 no response is required. Paragraph 313 does not contain a factual allegation to which a response is
 18 required. To the extent a response is required, Google denies that Plaintiffs are entitled to relief.

19 314. Pursuant to the Court's June 6, 2022 Order, this claim has been dismissed and thus
 20 no response is required. To the extent a response is required, Google denies the allegations insofar
 21 as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as
 22 to the truth of the remaining allegations in Paragraph 314 as they pertain to the other Defendants
 23 or other third parties, and on that basis denies them.

24 315. Pursuant to the Court's June 6, 2022 Order, this claim has been dismissed and thus
 25 no response is required. To the extent a response is required, Google denies the allegations insofar
 26 as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as
 27 to the truth of the remaining allegations in Paragraph 315 as they pertain to the other Defendants
 28 or other third parties, and on that basis denies them.

316. Pursuant to the Court's June 6, 2022 Order, this claim has been dismissed and thus
 no response is required. To the extent a response is required, Google denies the allegations insofar

1 as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as
 2 to the truth of the remaining allegations in Paragraph 316 as they pertain to the other Defendants
 3 or other third parties, and on that basis denies them.

4 317. Pursuant to the Court's June 6, 2022 Order, this claim has been dismissed and thus
 5 no response is required. To the extent a response is required, Google denies the allegations insofar
 6 as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as
 7 to the truth of the remaining allegations in Paragraph 317 as they pertain to the other Defendants
 8 or other third parties, and on that basis denies them.

9 318. Pursuant to the Court's June 6, 2022 Order, this claim has been dismissed and thus
 10 no response is required. To the extent a response is required, Google denies the allegations insofar
 11 as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as
 12 to the truth of the remaining allegations in Paragraph 318 as they pertain to the other Defendants
 13 or other third parties, and on that basis denies them.

14 319. Pursuant to the Court's June 6, 2022 Order, this claim has been dismissed and thus
 15 no response is required. To the extent a response is required, Google denies the allegations insofar
 16 as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as
 17 to the truth of the remaining allegations in Paragraph 319 as they pertain to the other Defendants
 18 or other third parties, and on that basis denies them.

19 **SIXTH CLAIM FOR RELIEF**
 20 **Stored Communications Act ("SCA") Against Flo Health**
 21 **18 U.S.C. §§ 2702, *et seq.***
 22 **(On Behalf of Plaintiffs and the Class and Subclass)**

23 320. Google incorporates its responses in the preceding paragraphs of this Answer.
 24 Further, pursuant to the Court's June 6, 2022 Order, this claim has been dismissed and thus no
 25 response is required.

26 321. Paragraph 321 contains legal conclusions, characterizations, or arguments, to which
 27 no response is required. Further, pursuant to the Court's June 6, 2022 Order, this claim has been
 28 dismissed and thus no response is required.

1 322. Paragraph 322 contains legal conclusions, characterizations, or arguments, to which
2 no response is required. Further, pursuant to the Court's June 6, 2022 Order, this claim has been
3 dismissed and thus no response is required.

4 323. Paragraph 323 contains legal conclusions, characterizations, or arguments, to which
5 no response is required. Further, pursuant to the Court's June 6, 2022 Order, this claim has been
6 dismissed and thus no response is required.

7 324. Paragraph 324 contains legal conclusions, characterizations, or arguments, to which
8 no response is required. Further, pursuant to the Court's June 6, 2022 Order, this claim has been
9 dismissed and thus no response is required.

10 325. Paragraph 325 contains legal conclusions, characterizations, or arguments, to which
11 no response is required. Further, pursuant to the Court's June 6, 2022 Order, this claim has been
12 dismissed and thus no response is required.

13 326. Paragraph 326 contains legal conclusions, characterizations, or arguments, to which
14 no response is required. Further, pursuant to the Court's June 6, 2022 Order, this claim has been
15 dismissed and thus no response is required.

16 327. Paragraph 327 contains legal conclusions, characterizations, or arguments, to which
17 no response is required. Further, pursuant to the Court's June 6, 2022 Order, this claim has been
18 dismissed and thus no response is required.

19 328. Paragraph 328 contains legal conclusions, characterizations, or arguments, to which
20 no response is required. Further, pursuant to the Court's June 6, 2022 Order, this claim has been
21 dismissed and thus no response is required.

22 329. Paragraph 329 contains legal conclusions, characterizations, or arguments, to which
23 no response is required. Further, pursuant to the Court's June 6, 2022 Order, this claim has been
24 dismissed and thus no response is required.

25 330. Paragraph 330 contains legal conclusions, characterizations, or arguments, to which
26 no response is required. Further, pursuant to the Court's June 6, 2022 Order, this claim has been
27 dismissed and thus no response is required.
28

1 331. Paragraph 331 contains legal conclusions, characterizations, or arguments, to which
2 no response is required. Further, pursuant to the Court's June 6, 2022 Order, this claim has been
3 dismissed and thus no response is required.

4 332. Paragraph 332 contains legal conclusions, characterizations, or arguments, to which
5 no response is required. Further, pursuant to the Court's June 6, 2022 Order, this claim has been
6 dismissed and thus no response is required.

7 333. Paragraph 333 contains legal conclusions, characterizations, or arguments, to which
8 no response is required. Further, pursuant to the Court's June 6, 2022 Order, this claim has been
9 dismissed and thus no response is required.

10 334. Paragraph 334 contains legal conclusions, characterizations, or arguments, to which
11 no response is required. Further, pursuant to the Court's June 6, 2022 Order, this claim has been
12 dismissed and thus no response is required.

13 **SEVENTH CLAIM FOR RELIEF**
14 **Violation of California Confidentiality of Medical Information**
15 **Against Flo Health**
16 **Civil Code Section 56, *et seq.***
17 **("CMIA")**
18 **(On Behalf of Plaintiffs and the Class and Subclass)**

19 335. Google incorporates its responses in the preceding paragraphs of this Answer.

20 336. Paragraph 336 contains legal conclusions, characterizations, or arguments, to which
21 no response is required. To the extent a response is required, Google lacks knowledge and
22 information sufficient to form a belief as to the truth of the allegations in Paragraph 336 as they
23 pertain to another Defendant, and on that basis denies them.

24 337. Paragraph 337 contains legal conclusions, characterizations, or arguments, to which
25 no response is required. To the extent a response is required, Google lacks knowledge and
26 information sufficient to form a belief as to the truth of the allegations in Paragraph 337, and on
27 that basis denies them.

28 338. Paragraph 338 contains legal conclusions, characterizations, or arguments, to which
no response is required. To the extent a response is required, Google lacks knowledge and
information sufficient to form a belief as to the truth of the allegations in Paragraph 338, and on
that basis denies them.

1 339. Paragraph 339 contains legal conclusions, characterizations, or arguments, to which
2 no response is required. To the extent a response is required, Google lacks knowledge and
3 information sufficient to form a belief as to the truth of the allegations in Paragraph 339 as they
4 pertain to another Defendant, and on that basis denies them.

5 340. Paragraph 340 contains legal conclusions, characterizations, or arguments, to which
6 no response is required. To the extent a response is required, Google lacks knowledge and
7 information sufficient to form a belief as to the truth of the allegations in Paragraph 340 as they
8 pertain to another Defendant, and on that basis denies them.

9 341. Paragraph 341 contains legal conclusions, characterizations, or arguments, to which
10 no response is required. To the extent a response is required, Google denies the allegations insofar
11 as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as
12 to the truth of the allegations in Paragraph 341 as they pertain to other Defendants, and on that
13 basis denies them.

14 342. Paragraph 342 contains legal conclusions, characterizations, or arguments, to which
15 no response is required. To the extent a response is required, Google lacks knowledge and
16 information sufficient to form a belief as to the truth of the allegations in Paragraph 342 as they
17 pertain to another Defendant, and on that basis denies them.

18 343. Paragraph 343 contains legal conclusions, characterizations, or arguments, to which
19 no response is required. To the extent a response is required, Google lacks knowledge and
20 information sufficient to form a belief as to the truth of the allegations in Paragraph 343 as they
21 pertain to another Defendant, and on that basis denies them.

22 344. Paragraph 344 contains legal conclusions, characterizations, or arguments, to which
23 no response is required. To the extent a response is required, Google lacks knowledge and
24 information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 344
25 as they pertain to another Defendant, and on that basis denies them.

26 345. Paragraph 345 contains legal conclusions, characterizations, or arguments, to which
27 no response is required. To the extent a response is required, Google denies the allegations insofar
28 as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as

1 to the truth of the remaining allegations in Paragraph 345 as they pertain to other Defendants, and
2 on that basis denies them.

3 346. Paragraph 346 contains legal conclusions, characterizations, or arguments, to which
4 no response is required. To the extent a response is required, Google denies the allegations insofar
5 as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as
6 to the truth of the remaining allegations in Paragraph 346 as they pertain to other Defendants, and
7 on that basis denies them.

8 347. Paragraph 347 contains legal conclusions, characterizations, or arguments, to which
9 no response is required. To the extent a response is required, Google lacks knowledge and
10 information sufficient to form a belief as to the truth of the allegations in Paragraph 347 as they
11 pertain to another Defendant, and on that basis denies them.

12 348. Paragraph 348 contains legal conclusions, characterizations, or arguments, to which
13 no response is required. To the extent a response is required, Google lacks knowledge and
14 information sufficient to form a belief as to the truth of the allegations in Paragraph 348 as they
15 pertain to another Defendant, and on that basis denies them.

16 349. Paragraph 349 contains legal conclusions, characterizations, or arguments, to which
17 no response is required. To the extent a response is required, Google lacks knowledge and
18 information sufficient to form a belief as to the truth of the allegations in Paragraph 349 as they
19 pertain to another Defendant, and on that basis denies them.

20 350. Paragraph 350 contains legal conclusions, characterizations, or arguments, to which
21 no response is required.

22 351. Paragraph 351 contains legal conclusions, characterizations, or arguments, to which
23 no response is required. To the extent a response is required, Google lacks knowledge and
24 information sufficient to form a belief as to the truth of the allegations in Paragraph 351 as they
25 pertain to another Defendant, and on that basis denies them.

26 352. Paragraph 352 contains legal conclusions, characterizations, or arguments, to which
27 no response is required. To the extent a response is required, Google lacks knowledge and
28

1 information sufficient to form a belief as to the truth of the allegations in Paragraph 352 as they
2 pertain to another Defendant, and on that basis denies them.

3 353. Paragraph 353 contains legal conclusions, characterizations, or arguments, to which
4 no response is required. To the extent a response is required, Google lacks knowledge and
5 information sufficient to form a belief as to the truth of the allegations in Paragraph 353.

6 **EIGHTH CLAIM FOR RELIEF**
7 **Violations of Cal. Bus. & Prof. Code §§ 17200 *et seq.* Against Flo Health**
8 **(On Behalf of Plaintiffs and the Class and Subclass)**

8 354. Google incorporates its responses in the preceding paragraphs of this Answer.

9 355. Paragraph 355 contains legal conclusions, characterizations, or arguments, to which
10 no response is required. To the extent a response is required, Google lacks knowledge and
11 information sufficient to form a belief as to the truth of the allegations in Paragraph 355 as they
12 pertain to another Defendant, and on that basis denies them.

13 356. Paragraph 356 contains legal conclusions, characterizations, or arguments, to which
14 no response is required. To the extent a response is required, Google lacks knowledge and
15 information sufficient to form a belief as to the truth of the allegations in Paragraph 356 as they
16 pertain to another Defendant, and on that basis denies them.

17 357. Paragraph 357 contains legal conclusions, characterizations, or arguments, to which
18 no response is required. To the extent a response is required, Google lacks knowledge and
19 information sufficient to form a belief as to the truth of the allegations in Paragraph 357 as they
20 pertain to another Defendant, and on that basis denies them.

21 358. Paragraph 358 contains legal conclusions, characterizations, or arguments, to which
22 no response is required. To the extent a response is required, Google denies the allegations insofar
23 as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as
24 to the truth of the allegations in Paragraph 358 as they pertain to other Defendants, and on that
25 basis denies them.

26 359. Paragraph 359 contains legal conclusions, characterizations, or arguments, to which
27 no response is required. To the extent a response is required, Google lacks knowledge and
28

1 information sufficient to form a belief as to the truth of the allegations in Paragraph 359 as they
2 pertain to another Defendant, and on that basis denies them.

3 360. Paragraph 360 contains legal conclusions, characterizations, or arguments, to which
4 no response is required. To the extent a response is required, Google lacks knowledge and
5 information sufficient to form a belief as to the truth of the allegations in Paragraph 360, and on
6 that basis denies them.

7 361. Paragraph 361 contains legal conclusions, characterizations, or arguments, to which
8 no response is required. To the extent a response is required, Google denies the allegations insofar
9 as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as
10 to the truth of the allegations in Paragraph 361 as they pertain to other Defendants, and on that
11 basis denies them

12 362. Paragraph 362 contains legal conclusions, characterizations, or arguments, to which
13 no response is required. Google states that the article referenced in Paragraph 362 and footnote 87
14 speaks for itself, and therefore no response is required. To the extent a response is required,
15 Google denies the allegations insofar as they pertain to Google. Google lacks knowledge and
16 information sufficient to form a belief as to the truth of the allegations in Paragraph 362 as they
17 pertain to other Defendants, and on that basis denies them.

18 363. Google states that the article referenced in Paragraph 363 and footnote 88 speaks for
19 itself, and therefore no response is required. To the extent a response is required, Google lacks
20 knowledge and information sufficient to form a belief as to the truth of the allegations in
21 Paragraph 363.

22 364. Paragraph 364 contains legal conclusions, characterizations, or arguments, to which
23 no response is required. To the extent a response is required, Google denies the allegations insofar
24 as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as
25 to the truth of the allegations in Paragraph 364 as they pertain to other Defendants, and on that
26 basis denies them.

1 information sufficient to form a belief as to the truth of the allegations in Paragraph 371, and on
2 that basis denies them.

3 372. Paragraph 372 contains legal conclusions, characterizations, or arguments, to which
4 no response is required. To the extent a response is required, Google denies the allegations insofar
5 as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as
6 to the truth of the allegations in Paragraph 372 as they pertain to other Defendants, and on that
7 basis denies them.

8 373. Paragraph 373 contains legal conclusions, characterizations, or arguments, to which
9 no response is required. To the extent a response is required, Google denies the allegations insofar
10 as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as
11 to the truth of the allegations in Paragraph 373 as they pertain to other Defendants, and on that
12 basis denies them.

13 374. Paragraph 374 contains legal conclusions, characterizations, or arguments, to which
14 no response is required. To the extent a response is required, Google lacks knowledge and
15 information sufficient to form a belief as to the truth of the allegations in Paragraph 374, and on
16 that basis denies them.

17 375. Paragraph 375 contains legal conclusions, characterizations, or arguments, to which
18 no response is required. To the extent a response is required, Google denies the allegations insofar
19 as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as
20 to the truth of the allegations in Paragraph 375 as they pertain to other Defendants, and on that
21 basis denies them.

22 376. Paragraph 376 contains legal conclusions, characterizations, or arguments, to which
23 no response is required. To the extent a response is required, Google denies that Plaintiffs are
24 entitled to relief.

25 **TENTH CLAIM FOR RELIEF**
26 **Aiding and Abetting Violations of**
27 **Cal. Bus. & Prof. Code §§ 17200 *et seq.* Against the Non-Flo Defendants**
28 **(On Behalf of Plaintiffs and the Class and Subclass)**

377. Google incorporates its responses in the preceding paragraphs of this Answer.

1 378. Paragraph 378 contains legal conclusions, characterizations, or arguments, to which
2 no response is required. To the extent a response is required, Google denies the allegations insofar
3 as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as
4 to the truth of the allegations in Paragraph 378 as they pertain to other Defendants, and on that
5 basis denies them.

6 379. Paragraph 379 contains legal conclusions, characterizations, or arguments, to which
7 no response is required. To the extent a response is required, Google denies the allegations insofar
8 as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as
9 to the truth of the allegations in Paragraph 379 as they pertain to other Defendants, and on that
10 basis denies them.

11 380. Paragraph 380 contains legal conclusions, characterizations, or arguments, to which
12 no response is required. To the extent a response is required, Google denies the allegations insofar
13 as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as
14 to the truth of the allegations in Paragraph 380 as they pertain to other Defendants, and on that
15 basis denies them.

16 381. Paragraph 381 contains legal conclusions, characterizations, or arguments, to which
17 no response is required. To the extent a response is required, Google denies the allegations insofar
18 as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as
19 to the truth of the allegations in Paragraph 381 as they pertain to other Defendants, and on that
20 basis denies them.

21 382. Paragraph 382 contains legal conclusions, characterizations, or arguments, to which
22 no response is required. To the extent a response is required, Google denies the allegations insofar
23 as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as
24 to the truth of the allegations in Paragraph 382 they pertain to other Defendants, and on that basis
25 denies them.

26 383. Paragraph 383 contains legal conclusions, characterizations, or arguments, to which
27 no response is required. To the extent a response is required, Google denies the allegations insofar
28 as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as

1 to the truth of the allegations in Paragraph 383 as they pertain to other Defendants, and on that
2 basis denies them.

3 **ELEVENTH CLAIM FOR RELIEF**

4 **Aiding and Abetting Violation Common Law Invasion of Privacy – Intrusion Upon**
5 **Seclusion Against the Non-Flo Defendants**
6 **(On Behalf of Plaintiffs and the Class and Subclass)**

7 384. Google incorporates its responses in the preceding paragraphs of this Answer.

8 385. Paragraph 385 contains legal conclusions, characterizations, or arguments, to which
9 no response is required. To the extent a response is required, Google denies the allegations insofar
10 as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as
11 to the truth of the allegations in Paragraph 385 as they pertain to other Defendants, and on that
12 basis denies them.

13 386. Paragraph 386 contains legal conclusions, characterizations, or arguments, to which
14 no response is required. To the extent a response is required, Google denies the allegations insofar
15 as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as
16 to the truth of the allegations in Paragraph 386 as they pertain to other Defendants, and on that
17 basis denies them.

18 387. Paragraph 387 contains legal conclusions, characterizations, or arguments, to which
19 no response is required. To the extent a response is required, Google denies the allegations insofar
20 as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as
21 to the truth of the allegations in Paragraph 387 as they pertain to other Defendants, and on that
22 basis denies them.

23 388. Paragraph 388 contains legal conclusions, characterizations, or arguments, to which
24 no response is required. To the extent a response is required, Google denies the allegations insofar
25 as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as
26 to the truth of the allegations in Paragraph 388 as they pertain to other Defendants, and on that
27 basis denies them.

28 389. Paragraph 389 contains legal conclusions, characterizations, or arguments, to which
no response is required. To the extent a response is required, Google denies the allegations insofar

1 as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as
 2 to the truth of the allegations in Paragraph 389 as they pertain to other Defendants, and on that
 3 basis denies them.

4 390. Paragraph 390 contains legal conclusions, characterizations, or arguments, to which
 5 no response is required. To the extent a response is required, Google denies the allegations insofar
 6 as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as
 7 to the truth of the allegations in Paragraph 390 as they pertain to other Defendants, and on that
 8 basis denies them.

9 391. Paragraph 391 contains legal conclusions, characterizations, or arguments, to which
 10 no response is required. To the extent a response is required, Google denies the allegations insofar
 11 as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as
 12 to the truth of the allegations in Paragraph 391 as they pertain to other Defendants, and on that
 13 basis denies them.

14 **TWELFTH CLAIM FOR RELIEF**

15 **Violations of Federal Wiretap Act Against Facebook, Google, and Flurry**

16 **18 U.S.C. §§ 2500 *et seq.***

17 **(On Behalf of Plaintiffs and the Class and Subclass)**

18 392. Google incorporates its responses in the preceding paragraphs of this Answer.

19 393. Paragraph 393 contains legal conclusions, characterizations, or arguments, to which
 20 no response is required. Paragraph 393 also does not contain a factual allegation to which a
 21 response is required. To the extent a response is required, Google denies the allegations insofar as
 22 they pertain to Google. Google lacks knowledge and information sufficient to form a belief as to
 23 the truth of the allegations in Paragraph 393 as they pertain to other Defendants, and on that basis
 24 denies them.

25 394. Paragraph 394 contains legal conclusions, characterizations, or arguments, to which
 26 no response is required. Paragraph 394 also does not contain a factual allegation to which a
 27 response is required. To the extent a response is required, Google denies the allegations insofar as
 28 they pertain to Google. Google lacks knowledge and information sufficient to form a belief as to

1 the truth of the allegations in Paragraph 394 as they pertain to other Defendants, and on that basis
2 denies them.

3 395. Paragraph 395 contains legal conclusions, characterizations, or arguments, to which
4 no response is required. Paragraph 395 also does not contain a factual allegation to which a
5 response is required. To the extent a response is required, Google denies the allegations insofar as
6 they pertain to Google. Google lacks knowledge and information sufficient to form a belief as to
7 the truth of the allegations in Paragraph 395 as they pertain to other Defendants, and on that basis
8 denies them.

9 396. Paragraph 396 contains legal conclusions, characterizations, or arguments, to which
10 no response is required. Paragraph 396 also does not contain a factual allegation to which a
11 response is required. To the extent a response is required, Google denies the allegations insofar as
12 they pertain to Google. Google lacks knowledge and information sufficient to form a belief as to
13 the truth of the allegations in Paragraph 396 as they pertain to other Defendants, and on that basis
14 denies them.

15 397. Paragraph 397 contains legal conclusions, characterizations, or arguments, to which
16 no response is required. Paragraph 397 also does not contain a factual allegation to which a
17 response is required. To the extent a response is required, Google denies the allegations insofar as
18 they pertain to Google. Google lacks knowledge and information sufficient to form a belief as to
19 the truth of the allegations in Paragraph 397 as they pertain to other Defendants, and on that basis
20 denies them.

21 398. Paragraph 398 contains legal conclusions, characterizations, or arguments, to which
22 no response is required. To the extent a response is required, Google denies the allegations insofar
23 as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as
24 to the truth of the allegations in Paragraph 398 as they pertain to other Defendants, and on that
25 basis denies them.

26 399. Paragraph 399 contains legal conclusions, characterizations, or arguments, to which
27 no response is required. To the extent a response is required, Google denies the allegations insofar
28 as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as

1 to the truth of the allegations in Paragraph 399 as they pertain to other Defendants, and on that
2 basis denies them.

3 400. Paragraph 400 contains legal conclusions, characterizations, or arguments, to which
4 no response is required. To the extent a response is required, Google denies the allegations insofar
5 as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as
6 to the truth of the allegations in Paragraph 400 as they pertain to other Defendants, and on that
7 basis denies them.

8 401. Paragraph 401 contains legal conclusions, characterizations, or arguments, to which
9 no response is required. To the extent a response is required, Google denies the allegations insofar
10 as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as
11 to the truth of the allegations in Paragraph 401 as they pertain to other Defendants, and on that
12 basis denies them.

13 402. Paragraph 402 contains legal conclusions, characterizations, or arguments, to which
14 no response is required. To the extent a response is required, Google denies the allegations insofar
15 as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as
16 to the truth of the allegations in Paragraph 402 as they pertain to other Defendants, and on that
17 basis denies them.

18 403. Paragraph 403 contains legal conclusions, characterizations, or arguments, to which
19 no response is required. To the extent a response is required, Google denies the allegations insofar
20 as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as
21 to the truth of the allegations in Paragraph 403 as they pertain to other Defendants, and on that
22 basis denies them.

23 404. Paragraph 404 contains legal conclusions, characterizations, or arguments, to which
24 no response is required. To the extent a response is required, Google denies the allegations insofar
25 as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as
26 to the truth of the allegations in Paragraph 404 as they pertain to other Defendants, and on that
27 basis denies them.
28

1 405. Paragraph 405 contains legal conclusions, characterizations, or arguments, to which
 2 no response is required. To the extent a response is required, Google denies the allegations insofar
 3 as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as
 4 to the truth of the allegations in Paragraph 405 as they pertain to other Defendants, and on that
 5 basis denies them.

6 406. Paragraph 406 contains legal conclusions, characterizations, or arguments, to which
 7 no response is required. To the extent a response is required, Google denies the allegations insofar
 8 as they pertain to Google. Google further denies that Plaintiffs are entitled to relief. Google lacks
 9 knowledge and information sufficient to form a belief as to the truth of the allegations in
 10 Paragraph 406 as they pertain to other Defendants, and on that basis denies them.

11 **THIRTEENTH CLAIM FOR RELIEF**
 12 **Violation of the California Invasion of Privacy Act Against Facebook, Google, and Flurry**
 13 **Cal. Penal Code §§ 630 *et seq.* ("CIPA")**
 (On Behalf of Plaintiffs and the Class and Subclass)

14 407. Google incorporates its responses in the preceding paragraphs of this Answer.

15 408. Paragraph 408 contains legal conclusions, characterizations, or arguments, to which
 16 no response is required. Paragraph 408 also does not contain a factual allegation to which a
 17 response is required. To the extent a response is required, Google denies the allegations insofar as
 18 they pertain to Google. Google lacks knowledge and information sufficient to form a belief as to
 19 the truth of the allegations in Paragraph 408 as they pertain to other Defendants, and on that basis
 20 denies them.

21 409. Paragraph 409 contains legal conclusions, characterizations, or arguments, to which
 22 no response is required. Paragraph 409 also does not contain a factual allegation to which a
 23 response is required. To the extent a response is required, Google denies the allegations insofar as
 24 they pertain to Google. Google lacks knowledge and information sufficient to form a belief as to
 25 the truth of the allegations in Paragraph 409 as they pertain to other Defendants, and on that basis
 26 denies them.

27 410. Paragraph 410 contains legal conclusions, characterizations, or arguments, to which
 28 no response is required. To the extent a response is required, Google denies the allegations insofar

1 as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as
 2 to the truth of the allegations in Paragraph 410 as they pertain to other Defendants, and on that
 3 basis denies them.

4 411. Paragraph 411 contains legal conclusions, characterizations, or arguments, to which
 5 no response is required. Google states that the FTC document referenced in Paragraph 411 and
 6 footnote 89 speaks for itself, and therefore no response is required. To the extent a response is
 7 required, Google denies the allegations insofar as they pertain to Google. Google lacks knowledge
 8 and information sufficient to form a belief as to the truth of the allegations in Paragraph 411 as
 9 they pertain to other Defendants, and on that basis denies them

10 412. Paragraph 412 contains legal conclusions, characterizations, or arguments, to which
 11 no response is required. To the extent a response is required, Google denies the allegations insofar
 12 as they pertain to Google. Google further denies that Plaintiffs are entitled to relief. Google lacks
 13 knowledge and information sufficient to form a belief as to the truth of the allegations in
 14 Paragraph 412 as they pertain to other Defendants, and on that basis denies them

15 413. Paragraph 413 contains legal conclusions, characterizations, or arguments, to which
 16 no response is required. To the extent a response is required, Google denies the allegations insofar
 17 as they pertain to Google. Google further denies that Plaintiffs are entitled to relief. Google lacks
 18 knowledge and information sufficient to form a belief as to the truth of the allegations in
 19 Paragraph 413 as they pertain to other Defendants, and on that basis denies them

20 **FOURTEENTH CLAIM FOR RELIEF**

21 **Violation of the Comprehensive Computer Data Access and Fraud Act 22 Against Flo Health, Facebook, Google, and Flurry**

23 **Cal. Penal Code § 502**

24 **("CDAFA")**

25 **(On Behalf of Plaintiffs and the Class and Subclass)**

26 414. Google incorporates its responses in the preceding paragraphs of this Answer.

27 415. Paragraph 415 contains legal conclusions, characterizations, or arguments, to which
 28 no response is required. Paragraph 415 also does not contain a factual allegation to which a
 response is required. To the extent a response is required, Google denies the allegations insofar as
 they pertain to Google. Google lacks knowledge and information sufficient to form a belief as to

1 the truth of the allegations in Paragraph 415 as they pertain to other Defendants, and on that basis
2 denies them.

3 416. Paragraph 416 contains legal conclusions, characterizations, or arguments, to which
4 no response is required. To the extent a response is required, Google denies the allegations insofar
5 as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as
6 to the truth of the allegations in Paragraph 416 as they pertain to other Defendants and on that
7 basis denies them.

8 417. Paragraph 417 contains legal conclusions, characterizations, or arguments, to which
9 no response is required. To the extent a response is required, Google denies the allegations insofar
10 as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as
11 to the truth of the allegations in Paragraph 417 as they pertain to other Defendants, and on that
12 basis denies them.

13 418. Paragraph 418 contains legal conclusions, characterizations, or arguments, to which
14 no response is required. To the extent a response is required, Google denies the allegations insofar
15 as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as
16 to the truth of the allegations in Paragraph 418 as they pertain to other Defendants, and on that
17 basis denies them.

18 419. Paragraph 419 contains legal conclusions, characterizations, or arguments, to which
19 no response is required. To the extent a response is required, Google denies the allegations insofar
20 as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as
21 to the truth of the allegations in Paragraph 419 as they pertain to other Defendants, and on that
22 basis denies them.

23 420. Paragraph 420 contains legal conclusions, characterizations, or arguments, to which
24 no response is required. To the extent a response is required, Google denies the allegations insofar
25 as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as
26 to the truth of the allegations in Paragraph 420 as they pertain to other Defendants, and on that
27 basis denies them.
28

421. Paragraph 421 contains legal conclusions, characterizations, or arguments, to which no response is required. To the extent a response is required, Google denies the allegations insofar as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 421 as they pertain to other Defendants, and on that basis denies them.

422. Paragraph 422 contains legal conclusions, characterizations, or arguments, to which no response is required. To the extent a response is required, Google denies the allegations insofar as they pertain to Google. Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 422 as they pertain to other Defendants, and on that basis denies them.

423. Paragraph 423 contains legal conclusions, characterizations, or arguments, to which no response is required. To the extent a response is required, Google denies the allegations insofar as they pertain to Google. Google further denies that Plaintiffs are entitled to relief. Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 423 as they pertain to other Defendants, and on that basis denies them

424. Paragraph 424 contains legal conclusions, characterizations, or arguments, to which no response is required. To the extent a response is required, Google denies the allegations insofar as they pertain to Google. Google further denies that Plaintiffs are entitled to relief. Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 424 as they pertain to other Defendants, and on that basis denies them

425. Paragraph 425 contains legal conclusions, characterizations, or arguments, to which no response is required. To the extent a response is required, Google denies the allegations insofar as they pertain to Google. Google further denies that Plaintiffs are entitled to relief. Google lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 425 as they pertain to other Defendants and on that basis denies them

PRAYER FOR RELIEF

WHEREFORE, Google prays for judgment as follows:

1. That Plaintiffs take nothing by this action;

2. That a judgment of dismissal be entered in favor of Google and against Plaintiffs;
and

3. That Google be awarded such other and further relief as the Court deems just and proper.

A. Google denies that Plaintiffs are entitled to, or that the Court should order, any of the requested relief.

B. Google denies that Plaintiffs are entitled to, or that the Court should order, any of the requested relief.

C. Google denies that Plaintiffs are entitled to, or that the Court should order, any of the requested relief.

D. Google denies that Plaintiffs are entitled to, or that the Court should order, any of the requested relief.

E. Google denies that Plaintiffs are entitled to, or that the Court should order, any of the requested relief.

F. Google denies that Plaintiffs are entitled to, or that the Court should order, any of the requested relief.

G. Google denies that Plaintiffs are entitled to, or that the Court should order, any of the requested relief.

H. Google denies that Plaintiffs are entitled to, or that the Court should order, any of the requested relief.

DEMAND FOR JURY TRIAL

Google admits that Plaintiffs purport to demand a trial by jury of all issues so triable.

DEFENSES

Without assuming the burden of proof on any matters that would otherwise rest with Plaintiffs, expressly denying any and all wrongdoing, and reserving any and all defenses it may have against Plaintiffs and the putative class, Google alleges the following defenses to the Complaint:

FIRST DEFENSE
(No Liability)

Google did not commit the alleged or any wrongful act against Plaintiffs and the members of the putative class and, thus, Google is not responsible for any alleged damages to Plaintiffs and the members of the putative class.

SECOND DEFENSE
(Lack of Harm)

Google is informed and believes, and on that basis alleges, that Plaintiffs and the members of the putative class have not suffered any harm as a result of any action taken by Google and, as a result, Plaintiffs and the members of the putative class are barred from asserting any claims against Google.

THIRD DEFENSE
(Unjust Enrichment)

Plaintiffs and the members of the putative class would be unjustly enriched if they recovered from Google any of the damages alleged in the Complaint.

FOURTH DEFENSE
(Consent)

Plaintiffs and the members of the putative class consented and/or received disclosures of all of Google's complained-of acts and conduct; thus, the Complaint, and each purported cause of action therein, is barred.

FIFTH DEFENSE
(Statute of Limitations)

The Complaint, and each purported cause of action therein, is barred in whole or in part by the applicable statute of limitations, as well as the contractual limitations period in Defendant Flo Health, Inc.'s Terms of Service.

SIXTH DEFENSE
(Waiver)

Plaintiffs and the members of the putative class, by reason of their own acts, omissions, representations, and/or course of conduct, are estopped from asserting, and have waived any right to assert, each of their respective claims against Google.

SEVENTH DEFENSE
(Laches)

The claims of Plaintiffs and the members of the putative class are barred by the doctrine of laches.

EIGHTH DEFENSE
(License)

Google had an implied or express license to utilize the information provided by users and at issue in the Complaint.

NINTH DEFENSE
(No Irreparable Harm)

The Complaint fails to state facts sufficient to state a claim for injunctive relief, including the existence of irreparable harm.

TENTH DEFENSE
(Equitable Estoppel)

The Complaint, the claim alleged therein, and the elements of relief sought therein are barred; in whole or in part, including but not limited to the extent that Plaintiffs' and the members of the putative class's own conduct, and no acts or omissions of Google, caused Plaintiffs' and the members of the putative class's alleged damages and injuries, and/or because Plaintiffs and the members of the putative class observed, knew, were informed about, read, heard about, understood, and/or came to understand the details of the terms governing the service that they now challenge, yet nevertheless consented to the terms with that knowledge about which they now complain.

ELEVENTH DEFENSE
(Lack of Causation)

Any damages to which Plaintiffs and the members of the putative class may be found entitled to in this action, if any, were not directly or proximately caused, in whole or in part, by Google, and must be decreased to the extent the acts or omissions of persons and entities other than Google, such as Plaintiffs and the members of the putative class, or other Defendants, were a cause of those damages.

TWELFTH DEFENSE
(Indemnification)

Any damages to which Plaintiffs and the members of the putative class may be found entitled to in this action, if any, are subject to the agreements governing the relationship between Google and app developers utilizing Google's analytics services such as Defendant Flo Health, Inc., including, but not limited to, the indemnification clauses in the Terms of Service for Google Analytics, the Fabric Answers Agreement, and the Fabric Data Processing and Security Terms.

THIRTEENTH DEFENSE
(Mootness)

Plaintiffs' and the members of the putative class's claims are barred, in whole or in part, by the doctrine of mootness.

FOURTEENTH DEFENSE
(Contractual Defenses)

Plaintiffs' and the members of the putative class's claims and damages are barred, in whole or in part, by contracts and/or agreements they entered into.

FIFTEENTH DEFENSE
(Failure to Mitigate)

Plaintiffs' and the members of the putative class's claims for damages - are barred, in whole or in part, because they failed to mitigate the damages they suffered.

SIXTEENTH DEFENSE
(Adequate Remedy at Law)

Plaintiffs and the members of the putative class are not entitled to equitable relief because they have an adequate remedy at law and the relief they request is not the proper subject of a judicial remedy.

SEVENTEENTH DEFENSE
(Statutory and Punitive Damages - Unconstitutional)

Statutory, punitive, or exemplary damages should not be awarded or should otherwise be limited to the extent imposition of such damages would violate the Fifth, Eighth, or Fourteenth Amendments of the United States Constitution, Article 1 of the California Constitution, section 3294 of the California Civil Code, or any other provision of law.

EIGHTEENTH DEFENSE
(Unclean Hands)

Plaintiffs and the members of the putative class are barred from recovery, in whole or in part, by the doctrine of unclean hands.

NINETEENTH DEFENSE
(Authorization)

The Complaint and the alleged claims in it are barred, in whole or in part, because at all relevant times, Google's alleged conduct was authorized.

TWENTIETH DEFENSE
(Release)

Plaintiffs' and the putative class members' claims are barred, in whole or in part, to the extent they have been released.

TWENTY-FIRST DEFENSE
(Necessary Incident to Rendition of Services)

The named Plaintiffs' claims—and each and every member of the putative class's claims—are barred, in whole or in part, because Google's actions were a necessary incident to the rendition of services.

TWENTY-SECOND DEFENSE
(Justification)

The named Plaintiffs, and each and every member of the putative class, are barred from recovery because Google's actions were, in whole or in part, privileged, justified and/or excused by operation of law.

TWENTY-THIRD DEFENSE
(No Standing)

The named Plaintiffs' claims—and each and every member of the putative class's claims—are barred, in whole or in part, because they have not suffered injury in fact because of the acts or practices complained of.

TWENTY-FOURTH DEFENSE
(Intervening or Superseding Cause)

Plaintiffs' claims—and each and every member of the putative class's claims—are barred, in whole or in part, because the damages alleged in the Complaint, if any, were caused by persons

and entities other than Google. Such intervening and superseding conduct of others bars and/or diminishes recovery, if any, by Plaintiffs and the putative class members against Google.

TWENTY-FIFTH DEFENSE
(Lack of Privity)

Plaintiffs' and the putative class members' claims are barred, in whole or in part, because Google is not in privity with Plaintiffs or the putative class members.

TWENTY-SIXTH DEFENSE
(No Reliance)

The Complaint and the alleged claims in it are barred, in whole or in part, because Plaintiffs cannot show they relied on Google's alleged misrepresentations and/or omissions.

TWENTY-SEVENTH DEFENSE
(No Deception)

The Complaint and the alleged claims in it are barred, in whole or in part, because Plaintiffs cannot show they were deceived by Google's representations and/or omissions.

TWENTY-EIGHTH DEFENSE
(No Duty to Disclose)

The Complaint and the alleged claims in it are barred, in whole or in part, because Google did not intentionally conceal or omit any material fact that it had a duty to disclose to Plaintiffs.

TWENTY-NINTH DEFENSE
(Knowledge / Awareness of Alleged Deception)

The Complaint and the alleged claims in it are barred, in whole or in part, because Plaintiffs and members of the putative class proceeded with knowledge and/or awareness of the occurrences that form the bases of their claims as alleged in the Complaint and were not deceived.

THIRTIETH DEFENSE
(Unauthorized Remedies)

The Complaint and the alleged claims in it are barred in whole or in part because the remedies sought are unconstitutional, contrary to public policy, otherwise unauthorized, or not recognized by applicable state law.

THIRTY-FIRST DEFENSE
(Right to Assert Additional Defenses)

Google reserves the right to amend its answer and/or assert additional defenses at such time and to such extent as warranted by discovery and the factual developments in this case.

DATED: August 8, 2022

Respectfully submitted,

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